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THE ANAS OF
THOMAS JEFFERSON.

1791-1809.





UNIVERSITY OF VIRGINIA

The Complete ANAS
of
THOMAS
JEFFERSON

Edited by
Franklin B. Sawvel, Ph. D.

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ILLUSTRATIONS

FULL LENGTH PORTRAIT THOS. JEFFERSON, E. F. ANDREWS.

MONTICELLO, JEFFERSON'S HOME.

FAC SIMILE, PAGE FROM ANAS.

PORTRAIT BUST THOS. JEFFERSON BY GILBERT STUART.

FAC SIMILE, PAGE FROM ANAS.

Number of this copy is

420.

INTRODUCTION

The aim in the preparation of this volume is to bring together a complete edition of the *Anas* in a single volume.

We became fully sensible of the difficulties to be met and overcome at the outset, and gave up the idea of making merely a reprint from the incomplete and scattered arrangement in the edition authorized by Congress and printed in 1854.

By the courtesy of the Department of State we were granted access to the Jefferson manuscripts in the archives of the Department "with the privilege of copying for publication." After comparing former editions of Jefferson's writings which contain the *anas* with each other and with the original manuscripts, we feel gratified by the belief that we have been able to bring together the first complete edition in a single volume of these crisp, interesting and famous private notes, opinions and conjectures of this celebrated statesman and author.

Apart from his methodical habit of preserving copies of his voluminous official correspondence, opinions, and public documents, Jefferson tells us in the preface to the revised "notes," that, sometime after entering upon the duties of his new office as the first Secretary of State in 1789, he began to jot down the "passing transactions" in aid of his memory, "on loose scraps of paper, taken out of my pocket in the moment, and laid by to be copied fair at leisure, which, however, they hardly ever were." The earliest of these memoranda bears the date of Aug. 13, 1791. And, though most of them and the most im-

portant also, were written between this date and Dec. 31, 1793, when he resigned the Secretaryship, he continued to add "scraps" from time to time down to the close of his second term as President, the last bearing the date Feb. 25, 1809.

In the introduction to his revision of his notes in 1818, beginning with page twenty-two of the present volume, he explains how and why they were put into the form in which they still exist in his own familiar handwriting. In the revision he did not bring together into a separate order or folio these memoranda of conversations with his co-workers, colleagues and opposers, their personal opinions and utterances, with his own replies, inferences and suspicions; but allowed them to remain scattered through three large folios. These personal and private opinions, a sort of confidential diary, he named *Anas*, a meaningless and indefinite title. Hence one difficulty to the collector in determining what to admit and what not.

Again, shrinking from taking too great liberty with his fondness for the use of the comma in punctuation, we have ventured to omit or change one here and there only where clearness demands the change. In the matter of abbreviations we have used greater freedom and followed the edition of his writings edited by H. A. Washington and published by order of the Joint Committee of Congress on the Library in 1853-4. Abbreviated words and phrases, so convenient and essential in the haste of note-taking, are, therefore, written out in full. We have thought his method of abbreviation sufficiently interesting and important, however, to insert one of the *anas* without change of any kind which will be found under date of Jan. 8, 1805. We have also inserted several autograph pages for a like purpose. What the text

may lose in vigor and freshness is more than gained in grace and legibility.

Jefferson usually writes with the terseness of the journalist, the keen observation of character and clearness of the scientist and philosopher, and the legal accuracy of the skilled attorney. In the *Anas* his style is more colloquial and unhesitatingly crisp, clear and vigorous.

The critical period between the close of the revolution and the final adoption of the Constitution had, nominally at least, just closed. During those fateful four or more years, the un-united colonies and rising states had been drifting, individually and in groups, in every direction in search of a form of government suited to the new conditions; and all were fast drifting toward anarchy. As a continuation of those turbulent, uncertain years, the *Anas* lift the veil of privacy and take us into the inner private circle of that small group on whom the fate of the new nation rested during Washington's first administration, and the fifteen following years. These were days of diabolical scheming on the part of men who were strongly tinctured with monarchical ideas while professing to serve and even while engaged in administering the high functions of republican government; days when the ultimate type of government was yet unsettled, and grave doubts were held by the ablest statesmen at home and abroad as to the final success and triumph of the New World experiment.

Alexander Hamilton was Secretary of the Treasury at the time, Henry Knox Secretary of War, and Edmund Randolph Attorney General. These three, whose opinions are so often referred to and so freely interpreted in the text, together with Jefferson, formed Washington's first Cabinet. They differed widely in

opinions at times and bitterly, as is well known and evident. The impartial student will read Hamilton's interpretation of the Constitution in the Federalist papers and his personal opinions and views as well as those of Adams, and others on the perplexing questions of the times, in their own writings before giving a final verdict.

It is also true that Jefferson felt that he stood almost alone, the rank republican and reformer, trying to carry his favorite doctrine of natural rights to the doubtful eminence of making them overtop and include all other rights. His ideals were radical for the times and tendencies of which he writes. But somehow, they appealed to the popular and growing sentiment of the masses and ingratiated themselves into the hearts and confidences of the people. J. Wm. Parton says in his preface to his admirable life of Thomas Jefferson: "If Jefferson was wrong, America is wrong; if America is right, Jefferson was right." His genius more than that of any other single individual put the seal of republicanism on the nation's character and institutions and instilled the spirit of pure democracy into American life. He focused the democratic elements on definite objects and principles and became their great champion. At the same time he was unionist, legislator, skillful diplomat, publicist, great commoner, statesman and husbandman; castle-builder and idealist, and cunningly shrewd next to Franklin; at times he was scheming, temporizing, timid, cowardly, sensitive, morbidly jealous of his opponents and rivals and gloriously inconsistent, if you like. But his loyalty and integrity were never questioned. His faith was grounded in the common people. He believed that, "the world is governed

too much" and, "that government is best which governs least."

"Recognition of what he endeavored to accomplish explains many of his apparent inconsistencies. The dominant principles of his creed were that all powers belong to the people, and that governments, constitutions, laws, precedent, and all other artificial clogs and "protections," are entitled to respect and obedience only as they fulfilled their limited function of aiding—not curtailing—the greatest freedom of the individual. For this reason he held that no power existed to bind the people or posterity, except by their own acts. For this reason he was the strict construer of the national constitution where he believed it destructive of personal freedom; and construed it liberally where it threatened to limit the development of the people. He was the defender of the state governments, for he regarded them as a necessary division for local self-government and as natural checks on the national power, and so a safeguard to the people. That he appealed to them in his resolutions of 1798, was because he believed the people for once unable to act for their own interest, and the theories of that paper are a radical and short-lived contradiction of his true beliefs. Because he believed the national judiciary and the national bank to be opposed to the will of the people, he attacked them. Because he believed he was furthering the popular will, he interfered in the legislative department and changed office-holders. Because he wished them free to think and act, he favored separation from England, abolition of slavery, free lands, free education, freedom of religion, and the largest degree of local self-government. His methods and results were not always good. His character and conduct had many serious flaws. Yet in some

subtle way the people understood him, and forgave in him weaknesses and defects they have seldom condoned. And eventually this judgment will universally obtain, as the fact becomes clearer and clearer, that neither national independence, nor state sovereignty, with the national and party rancors that attach to them, were the controlling aim and attempt of his life; that no party or temporary advantage was the object of his endeavors, but that he fought for the ever enduring privilege of personal freedom."*

* *Writings of Thomas Jefferson*, Introduction p. XXI.—Paul Leicester Ford.

BIOGRAPHICAL SKETCH

Thomas Jefferson was born in the foot-hills of the Blue Ridge Mountains at Shadwell in Albemarle County, Virginia, April 2, 1743.

He spent his entire life, except when away on official duties, on the plantation of his birth and here died July 4, 1826, aged 83 years.

His father, Peter Jefferson, was of Welsh descent and made his own way in the world by sheer force of character. He married Jane Randolph of Scotch descent, a daughter of one of the oldest and proudest of old Virginia families.

He became surveyor, held the most important county offices, was a man of the people, forceful, and sociable in business. He died Aug. 17, 1857, when Thomas was fourteen.

Thomas was the oldest son and inherited most of his father's property. He had been encouraged by his father in taking much out-door exercise and life and was fond of shooting and fox hunting and became an expert horseman, even for a Virginian.

At the age of 19, he was graduated from William and Mary's College, Williamsburg, Va. He read law under Geo. Wythe, of Williamsburg, a man eminent as a lawyer and noted as having had as students in his law office James Madison, Patrick Henry, and John Marshall who afterwards became Secretary of State and Chief Justice of the United States.

At Williamsburg Jefferson associated with men much older than himself, but men of ability and of great liberality in matters of thought and religion. He inherited

from his father 1900 acres of land and forty or fifty slaves. * During his few years practice of the law, before getting much into public life and affairs, he increased his land holdings to 5000 acres. 1900 acres

At the age of twenty-nine he married Mrs. Martha Skelton, a charming young widow of twenty-three. On her father's death soon after the marriage she inherited 4000 acres together with one hundred thirty-five slaves. But in the ceremony Jefferson seems to have married considerable indebtedness also, for he was still paying off the old debts twenty years later.

He had been admitted to the Bar, and began the practice of law in 1767. Two years later he was elected to the House of Burgesses from his native County of Albemarle, and in seventeen-seventy-three he was re-elected. The next advance was to a seat in the Continental Congress at Philadelphia, which he took in June two years later. He held his seat in that memorable body through the following winter and spring, took a deep interest in its deliberations and served on a number of important committees. According to Jefferson's account, on June 10th, 1776, John Adams, Dr. Franklin, Roger Sherman, Robert E. Livingston and himself were appointed a committee to prepare a declaration of independence. The committee desired Jefferson to make the draft which he did and in the discharge of this trust prepared the most profound public document ever written—the Declaration of Independence. It was approved by the committee and reported by its illustrious author to Congress on Friday, June twenty-eighth.

Having been elected a third time to the Legislature of Virginia from his native County, he resigned his seat in Congress September second and took his seat in the Legislature early in October of the same eventful year.

In 1779 he was chosen Governor of Virginia and at the expiration of his office, four years later, was again elected to Congress. Next he succeeded Dr. Franklin as Minister to France in seventeen-hundred eighty-five and remained in Paris the four following years; when on his resignation and return he became the first Secretary of State. His radically democratic views met with stern opposition among his colleagues in the Cabinet and he resigned the Secretaryship the last day of December before the close of Washington's first administration. In the election which placed John Adams in the Presidential chair at the end of Washington's second term, Jefferson had the next highest number of votes and became vice President and was thus made Speaker of the Senate.

Public sentiment had grown so favorable to his ideas of government and to the so-called "Jeffersonian principles," that he was elected President in 1801. He was re-elected four years later and at the close of his second term, Mar. 4, 1809, he retired to his estate of Monticello, two miles from Charlottesville, adjoining Shadwell the spot of his birth. He never journeyed outside the state again.

The remaining years of his life were not idle ones. His views of education were as far in advance of the times as had been his ideas of republican government a quarter of a century before. A thoroughly equipped University for his beloved Virginia now became the darling of his hopes and the goal of his ambition. He gave to it of his means, gave his time and personal supervision, and lived to see the legislature pass the act in 1819 which founded the "University of Virginia." He was chosen one of the Board of Overseers, was made its first regent,

and saw the insitution formally opened in the spring of 1825 with a corps of able professors and a goodly roll of students.

In March of the following year his physical health began to decline. The great clock was running down. And as the fiftieth anniversary of the achievement of American independence came on the sun of his life, serene, peaceful, and beautiful, sank beyond the clouds near mid-day of July 4th, 1826. Over his grave was erected a modest obelisk of his own designing and on it was inscribed the epitaph, written by himself:

"Here was buried Thomas Jefferson, author of the Declaration of Independence, of the Statute of Virginia for religious freedom, and father of the University of Virginia."

Jefferson's manner of life, while not ostentatious for that time and place, was elegant. He had his coach-and-four, his French cook and French dishes, except during the first two years of his presidency; and dressed neatly and elegantly.

He had a profound belief in the common people, he believed that an uneducated plowman was as likely to decide rightly on questions of morals as a philosopher and that the mass of the people were fitted to take a full part in the government. At the same time he kept his slaves, loved a good table and good wines and thoroughly enjoyed the society of his aristocratic neighbors and friends. In fact his connection with the masses was at arm's length. He craved popularity, was very sensitive to criticism, dreaded and shunned anything which involved personal contumacy or contest. He was an elegant writer, yet he wrote but one book and that was not originally intended to be published; and he frequently asserted that he never wrote an article for the

newspapers. Though a fine talker in a small party, he never made public speeches.

Perhaps no man has ever been able to read and judge public sentiment better than Jefferson.

Estimates of his character differ so widely and seem so irreconcilable that we prefer to quote from his biographers and allow the reader to form his own conclusions.

"Jefferson is not so much the perfect man as the perfect citizen. As a man he has his defects; as a citizen he is as flawless as a star."—*Alfred Henry Lewis, Everybody's Magazine, Dec. 1902.*

"Jefferson is usually conceded to be the shrewdest politician this country has ever produced, and he resorted to measures which would not be tolerated by this generation. His personal correspondence and the confidential diary which he kept under the title of "Anas" prove that he used underhand methods and was commonly engaged in intrigue not only against his colleagues in the Cabinet, but even against Washington, whose loyalty and confidence in him were complete. He has been accused of 'shielding himself like a coward behind a clerk in his department who was allowed to publicly assail the character as well as the conduct of Washington;' but it really required more courage for Jefferson to sustain Freneau under the circumstances than to discharge him. Further more, he freely accused his official associates of treason. He openly charged Hamilton with conspiracy to overthrow the republic and set up a monarchy. He declared that Hamilton's influence in Congress was obtained by bribery and corruption by the use of government funds and bonds. No other President in the long list of American rulers would have

submitted to such audacity, for Jefferson was anything but a coward. But Washington confided in his loyalty and admired his ability, and his personal affection was never impaired, although their relations were those of the merest courtesy after Jefferson's retirement from the Cabinet."—*Curtis*.

"Jefferson, like most great administrators, had quite probably his crafty side. A quick discerner of character, he was sensible to every symptom of personal dislike or disaffection."—"Thomas Jefferson," by James Schouler.

"He dearly loved to draw up a plan of battle, and he dearly loved to see some one else do the fighting. Gentle, prudent, politic; he shrank instinctively from quarrels, angry debates, and personal collisions. The clash of ideas was music to his ears; and, in marshalling the cohorts of one principle against another *on paper* he was Napoleonic. When, however, it came to a clash of men or when the discussion of ideas degenerated into personalities, Mr. Jefferson preferred to soar above the storms and let it rage beneath him."—*Thomas Jefferson, by Thomas E. Watson*.

"It was never Jefferson's habit to attack others when men could be found to do it for him. When he wished to denounce the Government, he brought Freneau to Philadelphia. When he wished to denounce neutrality he drew in Madison."—*McMaster's History of the U. S.*

"He shrank with almost feminine repugnance from censure and turmoil, but when the occasion demanded it, he faced even these with perfect courage and resolution. His course as Secretary of State, and his enforcement of the embargo are examples."—*Thomas Jefferson by H. C. Merwin*.

"He was sometimes insincere, generally prone to shun hurt and danger to himself; but from the time when he

began his great reforms in the Virginia House of Burgesses, the general tendency and large lines of his purposes and policy held with much steadiness in the noble direction of a perfect humanitarianism. To this day the multitude cherish and revere his memory, and in so doing pay a just debt of gratitude to a friend who not only served them, as many have done, but who honored and respected them, as very few have done." * * * *

"In matters of detail he was politic, not always ingenuous, not rigidly truthful, not altogether incapable of subterfuge and even meanness. But he never in any stress deserted, or even temporarily disavowed, his main principles. He never lost faith or courage. Democrats might commit follies, errors, and crimes, but he stood steadfastly by democracy."—*Jefferson by John T Morse.*

Oct. 3rd, 1903.





THOMAS JEFFERSON, BY E. F. ANDREWS.

THE ANAS OF THOMAS JEFFERSON.

Explanation of the three volumes bound in marbled paper.

In these three volumes will be found copies of the official opinions given in writing by me to General Washington while I was Secretary of State, with sometimes the documents belonging to the case. Some of these are the rough draughts, some press copies, some fair ones. In the earlier part of my acting in that office, I took no other note of the passing transactions; but after awhile I saw the importance of doing it in aid of my memory. Very often, therefore, I made memorandums on loose scraps of paper, taken out of my pocket in the moment and laid by to be copied fair at leisure, which, however, they hardly ever were. These scraps, therefore, ragged, rubbed, and scribbled as they were, I had bound with the others by a binder who came into my cabinet, doing it under my own eye, and without the opportunity of reading a single paper. At this day, after the lapse of

twenty-five years, or more, from their dates, I have given to the whole a calm revisal, when the passions of the time are passed away, and the reasons of the transactions act alone on the judgment. Some of the informations I had recorded are now cut out from the rest, because I have seen that they were incorrect or doubtful, or merely personal or private, with which we have nothing to do. I should perhaps have thought the rest not worth preserving, but for their testimony against the only history of that period which pretends to have been compiled from authentic and unpublished documents. Could these documents all be laid upon the public eye, they might be compared, contrasted, and weighed, and the truth fairly sifted out of them, for we are not to suppose that everything found among Gen. Washington's papers is to be taken as gospel truth. Facts indeed of his own writing and inditing, must be believed by all who knew him; and opinions, which were his own, merit veneration and respect; for few men have lived whose opinions were more unbiassed and correct, not that it is intended he never felt bias. His passions were naturally strong; but his reason, generally, stronger. But the materials from his own pen make probably an almost insensible part of the mass of papers which fill his presses. He possessed the love, the veneration and confidence of all. With him were deposited suspicions and certainties, rumors and realities, facts and falsehoods, by all those who were or who wished to be thought in correspondence with him, and by the many Anonymi who were ashamed to put their names to their slanders. From such a congeries, history may be made to wear any hue, with which the passions of the compiler, royalist or republican, may choose to tinge it. Had Gen. Washington himself written from these materials

a history of the period they embrace, it would have been a conspicuous monument of the integrity of his mind, the soundness of his judgment, and its powers of discernment between truth and falsehood, principles and pretensions. But the party feelings of his biographer, to whom after his death, the collection was confided, have called from it a composition as different from what Gen. Washington would have offered, as was the candor of the two characters. During the period of the war, the partiality of his pen is displayed in lavishments of praise on certain military characters, who have done nothing military, but who afterwards and before he wrote, had become heroes in party, altho' not in war; and in his reserve on the merits of others, who rendered signal services indeed, but did not earn his praise by apostatizing in peace from the republican principles for which they had fought in war. It shows itself, too, in the cold indifference with which a struggle for the most animating of human objects is narrated. No act of heroism ever kindles in the mind of this writer a single aspiration in favor of the holy cause which inspired the bosom and nerved the arm of the patriot warrior. No gloom of events, no lowering of prospects ever excites a fear for the issue of a contest, which was to change the condition of man over the civilized globe. The sufferings inflicted on endeavors to vindicate the rights of humanity are related with all the frigid insensibility with which a monk would have contemplated the victims of an Auto da fe! Let no man believe that Gen. Washington ever intended that his papers should be used for the suicide of the cause for which he had lived, and for which there never was a moment in which he would not have died. The abuse of these materials is chiefly however manifested in the

history of the period immediately following the establishment of the present condition; and nearly with that my memorandums begin. Were a reader of this period to form his idea of it from this history alone, he would suppose the republican party (who were in truth endeavoring to keep the government within the line of the condition, and prevent its being monarchized in practice) were a mere set of grumblers, and disorganizers, satisfied with no government, without fixed principles of any, and like a British parliamentary opposition, gazing after loaves and fishes, and ready to chance principles, as well as a position, at any time, with their adversaries.

X But a short review of facts, omitted or uncandidly stated in this history, will show, that the contests of that day were contests of principle between the advocates of republican and those of kingly government, and that had not the former made the efforts they did, our government would have been, even at this early day, a very different thing from what the successful issue of those efforts have made it.

The alliance between the States under the old Articles of Confederation, for the purpose of joint defence against the aggression of Great Britain, was found insufficient, as treaties of alliance generally are, to enforce compliance with their mutual stipulations; and these, once fulfilled, that bond was to expire of itself, and each State to become sovereign and independent in all things. Yet it could not but occur to every one that these separate independencies, like the petty States of Greece, would be eternally at war with each other, and would become at length the mere partisans and satellites of the leading powers of Europe. All then must have
+ looked forward to some further bond of union which

would insure eternal peace, and a political system of our own, independent of that of Europe. Whether all should be consolidated into a single government, or each remain independent as to internal matters, and the whole form a single nation as to what was foreign only, and whether that national government should be a monarchy or republic, would of course divide opinions according to the constitutions, the habits, and the circumstances of each individual. Some officers of the army, as it has always been said and believed, (and Steuben and Knox have ever been named as the leading agents,) trained to monarchy by military habits, are understood to have proposed to General Washington to decide this great question by the army before its disbandment and to assume himself the crown on the assurance of their support. The indignation with which he is said to have scouted this parricide proposition was equally worthy of his virtue and wisdom. The next effort was, (on suggestion of the same individuals, in the moment of their separation,) the establishment of an hereditary order under the name of the Cincinnati, ready prepared by that distinction to be ingrafted into the future frame of government, and placing General Washington still at their head. The General* wrote to me on this subject while I was in Congress at Annapolis and an extract from my letter is inserted in 5th Marshall's history, page 28. He afterwards called on me at that place on his way to a meeting of the society, and after a whole evening of consultation, he left that place fully determined to use all his endeavors for its total suppression. But he found it so firmly riveted in the affections of the members, that,

* See his letter, Apr. 8, 1784. T. J.

strengthened as they happened to be by an adventitious occurrence of the moment, he could effect no more than the abolition of its hereditary principle. He called again on his return, and explained to me fully the opposition which had been made, the effect of the occurrence from France, and the difficulty with which its duration had been limited to the lives of the present members. Further details will be found among my papers, in his and my letters, and some in the *Encyclopædia Methodique et Dictionnaire d' Economie Politique*, communicated by myself to M. Meusnier, it's author, who had made the establishment of this society the ground, in that work, of a libel on our country.

The want of some authority which should procure justice to the public creditors, and an observance of treaties with foreign nations, produced some time after, the call of a convention of the States at Annapolis. Although at this meeting a difference of opinion was evident on the question of a republican or kingly government, yet, so general through the States was the sentiment in favor of the former that the friends of the latter confined themselves to a course of obstruction only, and delay to everything proposed; they hoped that nothing being done, and all things going from bad to worse, a kingly government might be usurped and submitted to by the people, as better than anarchy and wars internal and external, the certain consequences of the present want of a general government. The effect of their manœuvres, with the defective attendance of Deputies from the States, resulted in the measure of calling a more general convention to be held at Philadelphia. At this the same party exhibited the same practices and with the same views of preventing a government of concord, which they foresaw would be republican, and of

forcing through anarchy their way to monarchy. But the mass of that convention was too honest, too wise and too steady, to be baffled and misled by their manœuvres. One of these was a form of government proposed by Colonel Hamilton, which would have been in fact a compromise between the two parties of royalism and republicanism. According to this the executive and one branch of the legislature were to be during good behavior, *i. e.* for life, and the governors of the States were to be named by these two permanent organs. This, however, was rejected; on which Hamilton left the convention, as desperate and never returned again until near its final conclusion. These opinions and efforts, secret or avowed, of the advocates for monarchy, had begotten great jealousy through the States generally; and this jealousy it was which excited the strong opposition to the conventional constitution; a jealousy which yielded at last only to a general determination to establish certain amendments as barriers against a government either monarchical or consolidated. In what passed through the whole period of these conventions, I have gone on the information of those who were members of them being absent myself on my mission to France.

I returned from that mission in the first year of the new government, having landed in Virginia in December, 1789, and proceeded to New York in March, 1790, to enter on the office of Secretary of State. Here, certainly, I found a state of things which, of all I had ever contemplated, I the least expected. I had left France in the first year of her revolution, in the fervor of natural rights, and zeal for reformation. My conscientious devotion to these rights could not be heightened, but it had been aroused and excited by daily exercise. The President received me cordially, and my colleagues and

the circle of principal citizens apparently with welcome. The courtesies of dinner parties given me, as a stranger newly arrived among them, placed me at once in their familiar society. But I cannot describe the wonder and mortification with which the table conversations filled me. Politics were the chief topic, and a preference of kingly over republican government was evidently the favorite sentiment. An apostate I could not be, nor yet a hypocrite; and I found myself, for the most part, the only advocate on the republican side of the question, unless among the guests there chanced to be some member of that party from the legislative Houses. Hamilton's financial system had then passed. It had two objects; 1st, as a puzzle, to exclude popular understanding and inquiry; 2nd, as a machine for the corruption of the legislature; for he avowed the opinion that man could be governed by one of two motives only, force or interest; force he observed, in this country was out of the question, and the interests, therefore, of the members must be laid hold of, to keep the legislative in unison with the executive. And with grief and shame it must be acknowledged that his machine was not without effect; that even in this, the birth of our government, some members were found sordid enough to bend their duty to their interests, and to look after personal rather than public good.

It is well known that during the war the greatest difficulty we encountered was the want of money or means to pay our soldiers who fought, or our farmers, manufacturers and merchants, who furnished the necessary supplies of food and clothing for them. After the expedient of paper money had exhausted itself, certificates of debt were given to the individual creditors with assurance of payment so soon as the United States

should be able. But the distresses of these people often obliged them to part with these for the half, the fifth, and even a tenth of their value; and speculators had made a trade of cozening them from the holders by the most fraudulent practices, and persuasions that they would never be paid. In the bill for funding and paying these, Hamilton made no difference between the original holders and the fraudulent purchasers of this paper. Great and just repugnance arose at putting these two classes of creditors on the same footing, and great exertions were used to pay the former the full value, and to the latter, the price only which they had paid with interest. But this would have prevented the game which was to be played, and for which the minds of greedy members were already tutored and prepared. When the trial of strength on these several efforts had indicated the form in which the bill would finally pass, this being known within doors sooner than without, and especially, than to those who were in distant parts of the Union, the base scramble began. Couriers and relay horses by land and swift sailing pilot boats by sea, were flying in all directions. Active partners and agents were associated and employed in every State, town, and country neighborhood, and this paper was bought up at five shillings, and even as low as two shillings in the pound, before the holder knew that Congress had already provided for its redemption at par. Immense sums were thus filched from the poor and ignorant and fortunes accumulated by those who had themselves been poor enough before. Men thus enriched by the dexterity of a leader, would follow of course the chief who was leading them to fortune and become the zealous instruments of all his enterprises.

This game was over, and another was on the carpet ^{Y 13 d}

at the moment of my arrival; and to this I was most ignorantly and innocently made to hold the candle. This fiscal manœuvre is well known by the name of the Assumption. Independently of the debts of Congress, the States had during the war contracted separate and heavy debts; and Massachusetts particularly, in an absurd attempt, absurdly conducted, on the British post of Penobscott: and the more debt Hamilton could rake up the more plunder for his mercenaries. This money, whether wisely or foolishly spent, was pretended to have been spent for general purposes, and ought, therefore, to be paid from the general purse. But it was objected that nobody knew what these debts were, what their amount, or what their proofs. No matter; we will guess them to be twenty millions. But of these twenty millions, we do not know how much should be reimbursed to one State, or how much to another. No matter; we will guess. And so another scramble was set on foot among the several States, and some got much, some little, some nothing. But the main object was obtained, the phalanx of the Treasury was reinforced by additional recruits. This measure produced the most bitter and angry contest ever known in Congress, before or since the Union of the States. I arrived in the midst of it. But a stranger to the ground, a stranger to the actors on it, so long absent as to have lost all familiarity with the subject, and as yet unaware of its object, I took no concern in it. The great and trying question, however, was lost in the House of Representatives. So high were the feuds excited by this subject, that on its rejection business was suspended. Congress met and adjourned from day to day without doing any thing, the parties being too much out of temper to do business together. The eastern members par-

particularly, who, with Smith from South Carolina, were the principal gamblers in these scenes, threatened a secession and dissolution. Hamilton was in despair. As I was going to the President's one day, I met him in the street. He walked me backwards and forwards before the President's door for half an hour. He painted pathetically the temper into which the legislature had been wrought; the disgust of those who were called the creditor States; the danger of the *secession* of their members, and the separation of the States. He observed that the members of the administration ought to act in concert; that though this question was not of my department, yet a common duty should make it a common concern; that the President was the centre on which all administrative questions ultimately rested, and that all of us should rally around him, and support, with joint efforts, measures approved by him; and that the question having been lost by a small majority only, it was probable that an appeal from me to the judgment and discretion of some of my friends, might effect a change in the vote, and the machine of government, now suspended, might be again set into motion. I told him that I was really a stranger to the whole subject; that not having yet informed myself of the system of finances adopted, I knew not how far this was a necessary sequence; that undoubtedly, if its rejection endangered a dissolution of our Union at this incipient stage, I should deem that the most unfortunate of all consequences, to avert which all partial and temporary evils should be yielded. I proposed to him, however, to dine with me the next day, and I would invite another friend or two, bring them into conference together, and I thought it impossible that reasonable men, consulting together coolly, could fail, by some mutual sacrifices

of opinion, to form a compromise which was to save the Union. The discussion took place. I could take no part in it but an exhortatory one, because I was a stranger to the circumstances which should govern it. But it was finally agreed, that whatever importance had been attached to the rejection of this proposition, the preservation of the Union and of concord among the States was more important, and that therefore it would be better that the vote of rejection should be rescinded, to effect which, some members should change their votes. But it was observed that this pill would be peculiarly bitter to the southern States, and that some concomitant measure should be adopted, to sweeten it a little to them. There had before been propositions to fix the seat of government either at Philadelphia, or at Georgetown on the Potomac; and it was thought that by giving it to Philadelphia for ten years, and to Georgetown permanently afterwards, this might, as an anodyne, calm in some degree the ferment which might be excited by the other measure alone. So two of the Potomac members (White and Lee, but White with a revulsion of stomach almost convulsive,) agreed to change their votes, and Hamilton undertook to carry the other point. In doing this, the influence he had established over the eastern members, with the agency of Robert Morris with those of the middle States, effected his side of the engagement; and so the Assumption was passed, and twenty millions of stock divided among favored States and thrown in as a pabulum to the stock-jobbing herd. This added to the number of votaries to the Treasury, and made its chief the master of every vote in the legislature, which might give to the government the direction suited to his political views.

I know well, and so must be understood, that noth-

ing like a majority in Congress had yielded to this corruption. Far from it. But a division, not very unequal, had already taken place in the honest part of that body, between the parties styled republican and federal. The latter being monarchists in principle, adhered to Hamilton of course as their leader in that principle, and this mercenary phalanx added to them, insured him always a majority in both Houses: so that the whole action of legislature was now under the direction of the Treasury. Still the machine was not complete. The effect of the funding system, and of the Assumption, would be temporary; it would be lost with the loss of the individual members whom it has enriched, and some engine of influence more permanent must be contrived, while these myrmidons were yet in place to carry it through all opposition. This engine was the Bank of the United States. All that history is known, so I shall say nothing about it. While the government remained at Philadelphia, a selection of members of both Houses were constantly kept as directors who, on every question interesting to that institution, or to the views of the federal head, voted at the will of that head; and, together with the stock-holding members, could always make the federal vote that of the majority. By this combination, legislative expositions were given to the constitution, and all the administrative laws were shaped on the model of England, and so passed. And from this influence we were not relieved until the removal from the precincts of the bank to Washington.

Here then was the real ground of the opposition which was made to the course of administration. Its object was to preserve the legislature pure and independent of the executive, to restrain the administration to republi-

can forms and principles, and not permit the constitution to be construed into a monarchy, and to be warped, in practice, into all the principles and pollutions of their favorite English model. Nor was this an opposition to General Washington. He was true to the republican charge confided to him; and has solemnly and repeatedly protested to me, in our conversations, that he would lose the last drop of his blood in support of it; and he did this the oftener and with the more earnestness, because he knew my suspicions of Hamilton's designs against it, and wished to quiet them. For he was not aware of the drift, or of the effect of Hamilton's schemes. Unversed in financial projects and calculations and budgets, his approbation of them was bottomed on his confidence in the man.

But Hamilton was not only a monarchist, but for a monarchy bottomed on corruption. In proof of this I will relate an anecdote, for the truth of which, I attest the God who made me. Before the President set out on his southern tour in April, 1791, he addressed a letter of the fourth of that month, from Mount Vernon, to the Secretaries of State, Treasury and War, desiring that if any serious and important cases should arise during his absence, they would consult and act on them. And he requested that the Vice President should also be consulted. This was the only occasion on which that officer was ever requested to take part in a cabinet question. Some occasion for consultation arising, I invited those gentlemen (and the Attorney General, as well as I remember,) to dine with me, in order to confer on the subject. After the cloth was removed, and our question agreed and dismissed, conversation began on other matters, and by some circumstance, was led to the British constitution, on which Mr. Adams

observed, "purge that constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man." Hamilton paused and said, "purge it of its corruption, and give to its popular branch equality of representation, and it would become an *impracticable* government: as it stands at present, with all its supposed defects, it is the most perfect government which ever existed." And this was assuredly the exact line which separated the political creeds of these two gentlemen. The one was for two hereditary branches and an honest elective one: the other, for an hereditary King, with a House of Lords and Commons corrupted to his will, and standing between him and the people. Hamilton was, indeed, a singular character. Of acute understanding, disinterested, honest, and honorable in all private transactions, amiable in society, and duly valuing virtue in private life, yet so bewitched and perverted by the British example as to be under thorough conviction that corruption was essential to the government of a nation. Mr. Adams had originally been a republican. The glare of royalty and nobility, during his mission to England, had made him believe their fascination a necessary ingredient in government; and Shay's rebellion, not sufficiently understood where he then was, seemed to prove that the absence of want and oppression was not a sufficient guarantee of order. His book on the American constitution having made known his political bias, he was taken up by the monarchical federalists in his absence, and on his return to the United States, he was by them made to believe that the general disposition of our citizens was favorable to monarchy. He here wrote his *Davila*, as a supplement to a former work, and his

election to the Presidency confirmed him in his errors. Innumerable addresses too, artfully and industriously poured in upon him, deceived him into a confidence that he was on the pinnacle of popularity, when the gulf was yawning at his feet which was to swallow up him and his deceivers. For when General Washington was withdrawn, these *energumeni* of royalism, kept in check hitherto by the dread of his honesty, his firmness, his patriotism, and the authority of his name, now mounted on the car of State and free from control, like Phaeton on that of the sun, drove headlong and wild, looking neither to right nor left, nor regarding anything but the objects they were driving at; until, displaying these fully, the eyes of the nation were opened, and a general disbandment of them from the public councils took place.

Mr. Adams, I am sure, has been long since convinced of the treacheries with which he was surrounded during his administration. He has since thoroughly seen that his constituents were devoted to republican government, and whether his judgment is re-settled on its ancient basis, or not, he is conformed as a good citizen to the will of the majority, and would now, I am persuaded, maintain its republican structure with the zeal and fidelity belonging to his character. For even an enemy has said, "he is always an honest man, and often a great one." But in the fervor of the fury and follies of those who made him their stalking horse, no man who did not witness it can form an idea of their unbridled madness, and the terrorism with which they surrounded themselves. The horrors of the French revolution, then raging, aided them mainly, and using that as a raw head and bloody bones, they were enabled by their stratagems of X. Y. Z. in which this historian was a

leading mountebank, their tales of tub-plots, ocean massacres, bloody buoys, and pulpit lyings and slandering, and maniacal ravings of their Gardeners, their Osgoods and Parishes, to spread alarm into all but the firmest breasts. Their Attorney General had the impudence to say to a republican member that deportation must be resorted to, of which, said he, "you republicans have set the example;" thus daring to identify us with the murderous Jacobins of France. These transactions now recollected but as dreams of the night, were then sad realities; and nothing rescued us from their liberticide effect but the unyielding opposition of those firm spirits who sternly maintained their post in defiance of terror until their fellow citizens could be aroused to their own danger, and rally and rescue the standard of the constitution. This has been happily done. Federalism and monarchism have languished from that moment, until their treasonable combinations with the enemies of their country during the late war, their plots of dismembering the Union, and their Hartford convention, have consigned them to the tomb of the dead; and I fondly hope, we may now truly say, "we are all republicans, all federalists," and that the motto of the standard to which our country will forever rally, will be, "federal union, and republican government;" and sure I am, we may say that we are indebted for the preservation of this point of ralliance, to that opposition of which so injurious an idea is so artfully insinuated and excited in this history.

Much of this relation is notorious to the world; and many intimate proofs of it will be found in these notes. From the moment where they end, of my retiring from the administration, the federalists* got unchecked hold

*See note of Oct. 1, 1792, T. J.

of General Washington. His memory was already sensibly impaired by age, the firm tone of mind for which he had been remarkable was beginning to relax, it's energy was abated; a listlessness of labor, a desire for tranquillity had crept on him, and a willingness to let others act and even think for him. Like the rest of mankind, he was disgusted with atrocities of the French revolution, and was not sufficiently aware of the difference between the rabble who were used as instruments of their perpetration, and the steady and rational character of the American people in which he had not sufficient confidence. The opposition too of the republicans to the British treaty, and the zealous support of the federalists in that unpopular but favorite measure of theirs, had made him all their own. Understanding, moreover, that I disapproved of that treaty, and copiously nourished with falsehoods by a malignant neighbor of mine, who ambitioned to be his correspondent, he had become alienated from myself personally, as, from the republican body generally of his fellow-citizens; and he wrote the letters to Mr. Adams, and Mr. Carroll, over which, in devotion to his imperishable fame, we must forever weep as monuments of mortal decay.

February 4th, 1818.

Th Jefferson

Notes on the Vth Vol. of Marshall's Life of Washington.

P. 2. The practicability of perpetuating his authority, etc. I am satisfied Gen. Washington had not a wish to perpetuate his authority. But he who supposes it was practicable, had he wished it, knows nothing of the spirit of America, either of the people or of those who professed their confidence. There was, indeed, a cabal of the officers of the army who proposed to establish a monarchy and to propose it to Gen. Washington. He frowned indignantly at the proposition according to the information which got abroad, and Rufus King and some few civil characters, chiefly, indeed, I believe to a man north of Maryland, who joined in this intrigue; but they never dared openly to avow it, knowing that the spirit which had produced a change in the form of government was alive to the preserving of it.

P. 28. The member of Congress here alluded to was myself, and the extract quoted was part of a letter from myself in answer to one Gen. Washington wrote. Gen. Washington called on me at Annapolis (where I then was as a member of Congress) on his way to the meeting of the Cincinnati in Philadelphia. We had much conversing on the institution which was chiefly an anticipation of the sentiments in our letters. And in conclusion, after I had stated to him the modifications which I

thought might remove all jealousy as well as danger and the parts which might still be retained, he appeared to make up his mind and said, "No, not a fiber of it must be retained; no half way reformation will suffice. If the thing be bad it must be totally abolished," and he declared his determination to use his utmost endeavors to have it entirely abolished. On his return from Philadelphia, he called on me again at Annapolis and sat with me till a very late hour in the night, giving me an account of what passed in their convention.

The sum of it was that he had exerted his whole influence in every way in his power to procure an abolition; that the opposition to it was extreme and especially from some of the younger members, but that after several days of struggle within doors and without, a general sentiment obtained for its entire abolition. Whether any vote had been taken on it or not, I do not remember, but his affirmation to me was that within a few days, I think he said 2 or 3, it would have been formally abolished. Just in that moment arrived Major L'enfant, who had been sent to France to procure the eagles and to offer the order to the French officers who had served in America. He brought the King's permission to his officers to accept it, the letters of thanks of these officers accepting it, letters of solicitation from other officers to obtain it and the eagles themselves. The effect of all this on the minds of the members was to undo much of what had been done, to re-kindle all the passion which had produced the institution and silence all the dictates of prudence which had been operating for its abolition. After this the General said the utmost that could be effected was the modification which took place which provided for its extinction with the deaths of the existing members. He declined the

presidency and I think Baron Steuben was appointed. I went soon after to France. While there M. de Maunier, charged with that part of the Encyclopedia which relates to Economics Litique and Diplomatique, called on me with the article of that dictionary "États Unis" which he had prepared ready for the press and begged I would revise it and make any notes on it which I should think necessary towards rendering it correct. I furnished him most of the matter of his fifth, sixth, eighth, ninth, and tenth sections of the article "États Unis" with which however he has intermixed some of his own. The ninth is that which relates to the Cincinnati.

On this subject the section, as prepared by him, was an unjust and incorrect Philippic against General Washington and the American officers in general. I wrote a substitute for it which he adopted, but still retaining considerably of his own matter and interspersing it in various parts.

P. 33. "In a government constitution, etc." Here begins the artful complexion he has given to the two parties, federal and republican. In describing the first by their views and motives, he implies an opposition to these motives in their opponents, which is totally untrue. The real difference consisted in their different degrees of inclination to monarchy or republicanism. The federalists wished for every thing which would approach our new government to a monarchy: the republicans to preserve it essentially republican.

This was the true origin of the division and remains still the essential principle of difference between the two parties.

August 13th, 1791. Notes of a conversation between

Alexander Hamilton and Thomas Jefferson. Th: Jefferson mentioned to him a letter received from John Adams, disavowing Publicola, and denying that he ever entertained a wish to bring this country under an hereditary executive, or introduce an hereditary branch of Legislature, &c. See his letter. Alexander Hamilton condemning Mr. Adams' writings, and most particularly Davila, as having a tendency to weaken the present government, declared in substance as follows: "I own it is my own opinion, though I do not publish it in Dan or Beersheba, that the present government is not that which will answer the ends of society, by giving stability and protection to its rights, and that it will probably be found expedient to go into the British form. However, since we have undertaken the experiment, I am for giving it a fair course, whatever my expectations may be. The success, indeed, so far, is greater than I had expected, and therefore, at present, success seems more possible than it had done heretofore, and there are still other and other stages of improvement which, if the present does not succeed, may be tried, and ought to be tried, before we give up the republican form altogether; for that mind must be really depraved, which would not prefer the equality of political rights, which is the foundation of pure republicanism, if it can be obtained consistently with order. Therefore, whoever by his writings disturbs the present order of things, is really blameable, however pure his intentions may be, and he was sure Mr. Adams' were pure." This is the substance of a declaration made in much more lengthy terms, and which seemed to be more formal than usual, for a private conversation between two, and as if intended to qualify some less guarded expressions which had been dropped on former occasions. Th: Jefferson

has committed it to writing in the moment of A. Hamilton's leaving the room.

December 25th, 1791. Colonel Gunn (of Georgia) dining the other day with Colonel Hamilton, said to him, with that plain freedom he is known to use, "I wish, Sir, you would advise your friend King, to observe some kind of consistency in his votes. There has been scarcely a question before the Senate on which he has not voted both ways. On the representation bill, for instance, he first voted for the proposition of the Representatives, and ultimately voted against it." "Why," says Colonel Hamilton, "I'll tell you as to that, Colonel Gunn, that it never was intended that bill should pass." Gunn told this to Butler, who told it to Th: Jefferson.

Memorandum of communications made to a committee of the Senate on the subject of the diplomatic nominations to Paris, London, and the Hague. January 4th, 1792.

The Secretary of State having yesterday received a note from Mr. Strong, as chairman of a committee of the Senate, asking a conference with him on the subject of the late diplomatic nominations to Paris, London, and the Hague, he met them in the Senate-chamber in the evening of the same day, and stated to them in substance what follows:—

That he should on all occasions be ready to give to the Senate, or to any other branch of the government, whatever information might properly be communicated, and might be necessary to enable them to proceed in the line of their respective offices: that on the present occasion, particularly, *as the Senate had to decide on the*

fitness of certain persons to act for the United States at certain courts, they would be the better enabled to decide if they were informed of the state of our affairs at those courts, and what we had to do there: that when the bill for providing the means of intercourse with foreign nations was before the legislature, he had met the committees of each House, and had given them the ideas of the executive as to the courts with which we should keep diplomatic characters, and the grades we should employ: that there were two principles, which decided on the courts, viz., 1, *vicinage*; and 2, *commerce*: that the first operated in the cases of London and Madrid, and the second in the same cases, and also in those of France and Portugal; perhaps, too, of Holland: that as to all other countries, our commerce and connections were too unimportant to call for the exchange of diplomatic residents: that he thought we should adopt the lowest grades admissible, to wit, at Paris that of minister plenipotentiary, because that grade was already established there; the same at London, because of the pride of that court, and perhaps the sense of our country and its interests, would require a sort of equality of treatment to be observed towards them; and for Spain and Lisbon, that of charge des affaires only; the Hague uncertain: that at the moment of this bill, there was a complete vacancy of appointments between us and France and England, by the accidental translations of the ministers of France and the United States to other offices, and none as yet appointed to, or from England: that in this state of things, the legislature had provided for the grade of minister plenipotentiary, as one that was to be continued, and showed they had their eye on that grade only, and that of charge des affaires; and that by the sum allowed they approved of the views then com-

municated: that circumstances had obliged us to change the grade at Lisbon to minister resident, and this of course would force a change at Madrid and the Hague, as had been communicated at the time to the Senate; but that no change was made in the salary, that of resident being made the same as had been established for a charge des affaires.—He then added, the new circumstances which had supervened on those general ones in favor of these establishments, to wit, with Paris, the proposal on their part to make a liberal treaty, the present situation of their colonies which might lead to a freer commerce with them, and the arrival of a minister plenipotentiary here; with London, their sending a minister here in consequence of notorious and repeated applications from us, the powers given him to arrange the differences which had arisen about the execution of the treaty, to wit, the posts, negroes, &c., which was now in train, and perhaps some authority to talk on the subject of arrangements of commerce, and also the circumstances which had induced that minister to produce his commission; with Madrid, the communication from the king, that he was ready to resume the negotiations on the navigation of the Mississippi, and to arrange that, and a port of deposit on the most friendly footing, if we would send a proper person to Madrid for that purpose: he explained the idea of joining one of the ministers in Europe to Mr. Carmichael for that purpose; with Lisbon, that we had to try to obtain a right of sending flour there, and mentioned Del Pinta's former favorable opinion on that subject: he stated also, the interesting situation of Brazil, and the disposition of the court of Portugal with respect to our warfare with the Algerines; with Holland, the negotiating loans for the transfer of the whole French debt there, an operation

which must be of some years, because there is but a given sum of new money to be lent to any one nation. He then particularly recapitulated the circumstances which justified the President's having continued the grade of minister plenipotentiary; but added, that whenever the biennial bill should come on, each House would have a constitutional right to review the establishment again, and whenever it should appear that either House thought any part of it might be reduced, on giving to the executive time to avail themselves of the first convenient occasion to reduce it, the executive could not but do it; but that it would be extremely injurious now, or at any time, to do it so abruptly as to occasion the recall of ministers, or unfriendly sensations in any of those countries with which our commerce is interesting.

That, a circumstance, recalled to the recollection of the Secretary of State this morning, induced him immediately to add to the preceding verbal communication a letter addressed to Mr. Strong in the following words:

Philadelphia, January 4th, 1792.

"Sir,—I am just now made to recollect a mistake in one of the answers I gave last night in the committee of the Senate, and which, therefore, I beg leave to correct. After calling to their minds the footing on which Mr. Morris had left matters at the court of London, and informing them of what had passed between the British minister here and myself, I was asked whether this was all that had taken place? Whether there had been no other or further engagement? I paused, you may remember, to recollect. I knew nothing more had passed on the other side the water, because Mr. Morris' powers there had been determined, and I endeavored to recollect whether anything else had passed with Mr. Ham-

mond and myself. I answered that this was all, and added in proof, that I was sure nothing had passed between the President and Mr. Hammond, personally, and so I might safely say this was all. It escaped me that there had been an informal agent here, (Colonel Beckwith,) and so informal that it was thought proper that I should never speak on business with him, and that on a particular occasion, the question having been asked whether if a British minister should be sent here, we would send one in exchange? It was said, through another channel, that one would doubtless be sent. Having only been present when it was concluded to give the answer, and not having been myself the person who communicated it, nor having otherwise had any conversation with Colonel Beckwith on the subject, it absolutely escaped my recollection at the moment the committee put the question, and I now correct the error I committed in my answer, with the same good faith with which I committed the error in the first moment. Permit me to ask the favor of you, sir, to communicate this to the other members of the committee, and to consider this as a part of the information I have had the honor of giving the committee on the subject.

I am with the most perfect esteem, sir, Your most obedient and most humble servant.

Mr. Strong

Th. Jefferson."

Which letter, with the preceding statement, contains the substance of what the Secretary of State has communicated to the committee, as far as his memory enables him to recollect.

January 4th, 1792.

A handwritten signature in cursive script, reading "Th Jefferson". The signature is written in dark ink and is positioned to the right of the date "January 4th, 1792.".

Feb. 12, 1792. Colonel Beckwith called on me and informed me that tho' not publicly commissioned he

had been sent here on the part of his government, that arriving before I came into office he had been put into the hands of another department, not indeed by the Chief Magistrate directly, as he had never had any direct communications; but informally, and had never been transferred to my department: that on commencing his correspondence with the secretary of State of Great Britain, he had thought it his duty to make that circumstance known to us: that Mr. Hammond's arrival had now rendered his longer continuance here unnecessary, as his residence hitherto had been only preparatory to Mr. Hammond's reception, that he had received orders by the last packet from the Secretary of State to return to England by the next, and that he should accordingly do so. He acknowledged the personal civility with which he had been treated generally, and his entire satisfaction.

[Note this was the first conversation I ever had with him, but merely as a private gentleman. I note its purport, because he was sent here by L^d Dorchester from Quebec, which consequently authorizes us to send such a character to Quebec.]

T. J.

Conversations With the President.

1792, February 28th. I was to have been with him long enough before three o'clock, (which was the hour and day he received visits,) to have opened to him a proposition for doubling the velocity of the post riders, who now travel about fifty miles a day, and might, without difficulty, go one hundred, and for taking measures (by way bills) to know where the delay is, when there is any. I was delayed by business, so as to have

scarcely time to give him the outlines. I run over them rapidly, and observed afterwards, that I had hitherto never spoken to him on the subject of the post office, not knowing whether it was considered as a revenue law, or a law for the general accommodation of the citizens: that the law just passed seemed to have removed the doubt by declaring that the whole profits of the office should be applied to extending the posts, and that even the past profits should be refunded by the treasury for the same purpose: that I therefore conceive it was now in the department of the Secretary of State: that I thought it would be advantageous so to declare it for another reason, to wit: that the department of the Treasury possessed already such an influence as to swallow up the whole executive powers, and that even the future presidents (not supported by the weight of character which himself possessed,) would not be able to make head against this department. That in urging this measure I had certainly no personal interest, since, if I was supposed to have an appetite for power, yet as my career would certainly be exactly as short as his own, the intervening time was too short to be an object. My real wish was to avail the public of every occasion, during the residue of the President's period, to place things on a safe footing. He was now called on to attend his company, and he desired me to come and breakfast with him the next morning.

February 29th. I did so; and after breakfast we retired to his room, and I unfolded my plan for the post office, and after such an approbation of it as he usually permitted himself on the first presentment of any idea, and desiring me to commit it to writing, he, during that pause of conversation which follows a business closed,

said in an affectionate tone, that he had felt much concern at an expression which dropped from me yesterday, and which marked my intention of retiring when he should. That as to himself, many motives obliged him to do it. He had, through the whole course of the war, and most particularly at the close of it, uniformly declared his resolution to retire from public affairs, and never to act in any public office; that he had retired under that firm resolution; that the government, however, which had been formed, being found evidently too inefficacious, and it being supposed that his aid was of some consequence towards bringing the people to consent to one of sufficient efficacy for their own good, he consented to come into the convention, and on the same motive, after much pressing, to take a part in the new government, and get it under way. That were he to continue longer, it might give room to say, that having tasted the sweets of office, he could not do without them: that he really felt himself growing old, his bodily health less firm, his memory, always bad, becoming worse, and perhaps the other faculties of his mind showing a decay to others of which he was insensible himself; that this apprehension particularly oppressed him; that he found, moreover, his activity lessened, business therefore more irksome, and tranquility and retirement become an irresistible passion. That however he felt himself obliged, for these reasons, to retire from the government, yet he should consider it as unfortunate, if that should bring on the retirement of the great officers of the government, and that this might produce a shock on the public mind of dangerous consequence.

I told him that no man had ever had less desire of entering into public offices than myself; that the circumstance of a perilous war, which brought every thing

into danger, and called for all the services which every citizen could render, had induced me to undertake the administration of the government of Virginia; that I had both before and after refused repeated appointments of Congress to go abroad in that sort of office, which, if I had consulted my own gratification, would almost have been the most agreeable to me; that at the end of two years, I resigned the government of Virginia, and retired with a firm resolution never more to appear in public life; that a domestic loss, however, happened, and made me fancy that absence and a change of scene for a time might be expedient for me; that I therefore accepted a foreign appointment, limited to two years; that at the close of that, Doctor Franklin having left France, I was appointed to supply his place, which I had accepted, and though I continued in it three or four years, it was under the constant idea of remaining only a year or two longer; that the revolution in France coming on, I had so interested myself in the event of that, that when obliged to bring my family home, I had still an idea of returning and awaiting the close of that, to fix the era of my final retirement; that on my arrival here I found he had appointed me to my present office; that he knew I had not come into it without some reluctance; that it was, on my part, a sacrifice of inclination to the opinion that I might be more serviceable here than in France, and with a firm resolution in my mind, to indulge my constant wish for retirement at no very distant day; that when, therefore, I had received his letter, written from Mount Vernon, on his way to Carolina and Georgia, (April 1st, 1791) and discovered, from an expression in that, that he meant to retire from the government ere long, and as to the precise epoch there could be no doubt, my mind was immediately made up,

to make that the epoch of my own retirement from those labors of which I was heartily tired. That, however, I did not believe there was any idea in any of my brethren in the administration of retiring; that on the contrary, I had perceived at a late meeting of the trustees of the sinking fund, that the Secretary of the Treasury had developed the plan he intended to pursue, and that it embraced years in its view.

He said that he considered the Treasury department as a much more limited one, going only to the single object of revenue, while that of the Secretary of State, embracing nearly all the objects of administration, was much more important, and the retirement of the officer therefore, would be more noticed; that though the government had set out with a pretty general good will of the public, yet that symptoms of dissatisfaction had lately shown themselves far beyond what he could have expected, and to what height these might arise, in case of too great a change in the administration, could not be foreseen.

I told him, that in my opinion, there was only a single source of these discontents. Though they had indeed appeared to spread themselves over the War department also, yet I considered that as an overflowing only from their real channel, which would never have taken place, if they had not first been generated in another department, to wit, that of the Treasury. That a system had there been contrived, for deluging the States with paper money instead of gold and silver, for withdrawing our citizens from the pursuits of commerce, manufactures, buildings, and other branches of useful industry, to occupy themselves and their capitals in a species of gambling, destructive of morality, and which had introduced its poison into the government itself. That it was a

fact, as certainly known as that he and I were then conversing, that particular members of the legislature, while those laws were on the carpet, had feathered their nests with paper, had then voted for the laws, and constantly since lent all the energy of their talents, and instrumentality of their offices, to the establishment and enlargement of this system; that they had chained it about our necks for a great length of time, and in order to keep the game in their hands had, from time to time, aided in making such legislative constructions of the constitution, as made it a very different thing from what the people thought they had submitted to; that they had now brought forward a proposition far beyond any one ever yet advanced, and to which the eyes of many were turned, as the decision which was to let us know, whether we live under a limited or an unlimited government. He asked me to what proposition I alluded? I answered, to that in the report on manufactures, which, under color of giving *bounties* for the encouragement of particular manufactures, meant to establish the doctrine, that the power given by the constitution to collect taxes to provide for the *general welfare* of the United States, permitted Congress to take everything under their management which *they* should deem for the *public welfare*, and which is susceptible of the application of money; consequently, that the subsequent enumeration of their powers was not the description to which resort must be had, and did not at all constitute the limits of their authority; that this was a very different question from that of the bank, which was thought an incident to an enumerated power; that, therefore, this decision was expected with great anxiety; that, indeed, I hoped the proposition would be rejected, believing there was a majority in both Houses against it, and

that if it should be, it would be considered as a proof that things were returning into their true channel; and that, at any rate, I looked forward to the broad representation which would shortly take place, for keeping the general constitution on its true ground; and that this would remove a great deal of the discontent which had shown itself. The conversation ended with this last topic. It is here stated nearly as much at length as it really was; the expressions preserved where I could recollect them, and their substance always faithfully stated.

March 1, 1792.

T. J.

On the 2d of January, 1792, Messrs. Fitzsimmons and Gerry (among others) dined with me. These two staid with a Mr. Learned of Connecticut, after the company was gone. We got on the subject of references by the legislature to the Heads of departments, considering their mischief in every direction. Gerry and Fitzsimmons clearly opposed to them.

Two days afterwards (January 4th), Mr. Bourne from Rhode Island presented a memorial from his State, complaining of inequality in the Assumption, and moved to refer it to the Secretary of the Treasury. Fitzsimmons, Gerry and others opposed it; but it was carried.

January 19th. Fitzsimmons moved, that the *President of the United States* be requested to direct the Secretary of the Treasury, to lay before the House information to enable the legislature to judge of the additional revenue necessary on the increase of the military establishment. The House, on debate, struck out the words, "President of the United States."

March 7th. The subject resumed. An animated debate took place on the tendency of references to the Heads of departments; and it seemed that a great majority would be against it; the House adjourned. Treasury greatly alarmed, and much industry supposed to be used before next morning, when it was brought on again, and debated through the day, and on the question, the Treasury carried it by thirty-one to twenty-seven; but deeply wounded, since it was seen that all Pennsylvania, except Jacobs, voted against the reference; that Tucker of South Carolina voted for it, and Sumpter absented himself, debauched for the moment only, because of the connection of the question with a further Assumption which South Carolina favored; but showing that they never were to be counted on among the Treasury votes. Some others absented themselves. Gerry changed sides. On the whole, it showed that Treasury influence was tottering.

Committed to writing this 10th of March, 1792.

Mar. 9, 1792. A consultation at (.). Present, Hamilton, Knox, Jefferson.

1. Subject.

Kirkland's letter. British idea of a new line from Genesee to Ohio. See extract on another paper.

Deputation of Six Nations now on their way here. Their dispositions doubtful. Street (Samuel), a Connecticut man, a great scoundrel coming with them. One-fourth of the nation against us. Other three-fourths questionable.

Agreed they should be well treated, but not over-trusted.

Pond's report. Stedman's report. These two per-

sons had been to Niagara, where they had much conversation with Colonel Gordon, commanding officer. He said he had relation of St. Clair's defeat from a sensible Indian, who assured him the Indians had 50 killed and 150 wounded. They were commanded by Simon Girty, a renegade white from Virginia or Pennsylvania. He said the Indians were right, that we should find them a powerful enemy, they were improving in war, did you ever before hear, says he, of Indians being rallied three times? (This rallying was nothing more than the returns on the three charges with bayonets made by our troops, which produced a corresponding retirement of the Indians, but not a flight). That we should never have peace of the Indians but thro the mediation of Britain; that Britain must appoint one Commissioner, the United States one, the Indians one: a line must be drawn, and Britain guarantee the line and peace. Pond says the British have a prospect of settling one thousand families at the Illinois; that Captain Stevenson who was here some time ago, and who came over with Governor Simcoe was sent here to Hammond to confer about these matters. (Stevenson stayed here five days and we know was constantly with Hammond). Colonel Gordon refused to let Pond and Stedman go on. They pretended private business, but in reality had been sent by the President to propose peace to the North West Indians.

Hamilton doubts Pond's truth and his fidelity, as he talks of a close intimacy with Colonel Gordon.

Jefferson observed that whether Pond be faithful or false, his facts are probable, because not of a nature to be designedly communicated if false. Besides they are supported in many points from other questions.

It seems that the English exercise jurisdiction over all the country south of the Genesee, and their idea ap-

pears, to have a new line along that river, then along the Allegheny to Fort Pitt, thence due west or perhaps along the Indian lines to the Mississippi, to give them access to the Mississippi. Hamilton here mentioned that, Hammond in a conversation with him had spoken of settling our uncertain boundary from the Lake of the Woods *due west to the Mississippi* by substituting from the Lake of the Woods *in a straight line to the head of the Mississippi*.

Agreed in a vote never to admit British mediation.

Hamilton proposed that a summary statement of all the facts we are possessed of relative to the aid by the British to the Indians be made and delivered to Pinckney to form a representation on it to the city of London.

Jefferson observed it would be proper to possess Mr. Pinckney of all the facts that he might at all times be able to meet the British minister in conversation, but that whether he should make a representation or not, in form, depended on another question. Whether it is better to keep the negotiation here or transfer it there? for that certainly any proceeding there would slacken those here and put it in their power gradually to render them the principal. The President was of opinion the negotiation should be kept here by all means.

Shall anything be said here to Hammond? Jefferson, No. There is no doubt but the aids given by subordinate officers are with secret approbation of the court. A feeble complaint to Hammond then will not change their conduct and yet will humiliate us.

Question, proposed by the President, Shall a person be sent to the north western Indians by the way of Fort Pitt and Vincennes to propose peace? Knox observed that such a person could at this season be at Vincennes in twenty-five days and recommended one Trueman

and that he should, from Fort Washington take some Indian prisoners as a safeguard. Agreed, but the person to be further considered of.

Question. Shall a second deputation be procured from the Indians now expected here, to go to same place on same object? Hamilton, No. It will show too much earnestness. Jefferson, No, for same reason, and because two deputations, independent of each other might counterwork each other. President, No, for the last reason.

Jefferson proposed taking a small post at Presque Isle.

1. To cut off communication between the Six Nations and western Indians. 2. To vindicate our right by possession. 3. To be able to begin a naval preparation. Hamilton opposed. It will certainly be attacked by the English and bring on war. We are not in a condition to go to war. Knox as usual with Hamilton. President: When ever we take post at Presque Isle it must be by going in great force, so as to establish ourselves completely before an attack can be made, and with workmen and all materials to create a fleet instantler; and he verily believes it will come to that.

Brant says he has resigned his English commission and means to become entirely an Indian and wishes to herd and unite all the Indians in a body.

The President's answer to St. Claire's letter of resignation considered. It was drawn by Knox. The passage was now omitted to which I objected in my note to the President of Mar. 2. Knox wished to insert something like an approbation of all his conduct by the President. Jefferson said if the President approved all his conduct it would be right to say so. The President said he had always disapproved of two things: 1. The want

of information. 2. Not keeping his army in such a position always as to be able to display them in a line behind trees in the Indian manner at any moment.

Knox acquiesced and the letter was altered to avoid touching on anything relative to the action, unless St. Clair should choose to retain a clause acknowledging his zeal that day.

The future commander talked of.

President went over all the characters, viz:

Morgan. No head. Health gone. Speculator.

Wayne. Brave and nothing else. Deserves credit for Stony Point, but on another occasion run his head against a wall where success was both impossible and useless.

Irwin. Does not know him. Has formed a middling opinion of him.

Hamilton. (said) He never distinguished himself. All that he did during the war was to avoid any censure of any kind.

Wilkinson. Brave—enterprising to excess, but many unapprovable points in his character.

Lee. A better head and more resource than any of them, but no economy, and being a junior officer, we should lose benefit of good seniors who would not serve under him.

Pinckney. Sensible. Tactician but immersed in business. Has refused other appointments and probably will refuse this or accept with reluctance.

Pickens. Governor Pinckney recommends him for Southern command if necessary. Sensible, modest, enterprising and judicious. Yet doubtful if he is equal to command of 5000 men. Would be an untried undertaking for him.

Sumter. Knox intimated he must be commander-

in-chief or nothing. Incapable of subordination. Nothing concluded.

Question proposed. Shall we use Indians against Indians and particularly shall we invite the Six Nations to join us.

Knox agreed there were but thirty-six of them who joined the enemy last year, and that we could not count on more than the Cornplanter and 200 to join us.

Jefferson. Against employing Indians. Dishonorable policy. He had rather let 36 take the other side than have 200 on ours.

Hamilton disliked employing them. No independence—barbarians—treacherous.

Knox, for employing 500.

President. They must be employed with us or they will be against us. Perhaps immaterial as to Six Nations but material as to Southern. He would use them to scour round the army at a distance. No small parties of enemy could approach thro' them to discover our movements. He would notwithstanding take some precautions by our own men for fear of infidelity. Expensive, discontented, insubordinate.

Conclusion. They shall not be invited; but to be told that if they cannot restrain their young men from taking one side or the other, we will receive and employ them.

Written this 10th of Mar., 1792.

1792, *March 11th*. Consulted verbally by the President, on whom a committee of the Senate (Izard, Morris, and King) are to wait tomorrow morning, to know whether he will think it proper to redeem our Algerine captives, and make a treaty with the Algerines, on the

single vote of the Senate, without taking that of the Representatives.

My opinions run on the following heads :

We must go to Algiers with cash in our hands. Where shall we get it? By loan? By converting money now in the treasury?

Probably a loan might be obtained on the President's authority; but as this could not be repaid without a subsequent act of legislature, the Representatives might refuse it. So if money in the treasury be converted, they may refuse to sanction it.

The subsequent approbation of the Senate being necessary to validate a treaty, they expect to be consulted beforehand, if the case admits.

So the subsequent act of the Representatives being necessary where money is given, why should not they expect to be consulted in like manner, when the case admits: A treaty is a law of the land. But prudence will point out this difference to be attended to in making them; viz. where a treaty contains such articles only as will go into execution of themselves, or be carried into execution by the judges, they may be safely made; but where there are articles which require a law to be passed afterwards by the legislature, great caution is requisite.

For example; the consular convention with France required a very small legislative regulation. This convention was unanimously ratified by the Senate. Yet the same identical men threw by the law to enforce it at the last session, and the Representatives at this session have placed it among the laws which they may take up or not, at their own convenience, as if that was a higher motive than the public faith.

Therefore, against hazarding this transaction without the sanction of both Houses.

The President concurred. The Senate express the motive for this proposition, to be a fear that the Representatives would not keep the secret. He has no opinion of the secrecy of the Senate. In this very case, Mr. Izard made the communication to him, sitting next to him at table, on one hand, while a lady (Mrs. McLane) was on his other hand, and the French minister next to her; and as Mr. Izard got on with his communication, his voice kept rising, and his stutter bolting the words out loudly at intervals, so that the minister might hear if he would. He said he had a great mind at one time to have got up, in order to put a stop to Mr. Izard.

1791. Towards the latter end of November, Hamilton had drawn Ternant into a conversation on the subject of the treaty of commerce recommended by the National Assembly of France to be negotiated with us, and, as he had no ready instructions on the subject, he led him into a proposal that Ternant should take the thing up as a volunteer with me, that we should arrange conditions, and let them go for confirmation or refusal. Hamilton communicated this to the President, who came into it, and proposed it to me. I disapproved of it, observing that such a volunteer project would be binding on us, and not them; that it would enable them to find out how far we would go, and avail themselves of it. However, the President thought it worth trying, and I acquiesced. I prepared a plan of treaty for exchanging the privileges of native subjects, and fixing all duties forever as they now stood. Hamilton did not like this way of fixing the duties, because, he said, many articles here would bear to be raised, and therefore, he would prepare a tariff. He did so, raising duties for the French,

Notes on the Vth vol of Marshall's
life of Washington

sa 2 the practicability of perpetua-
ting his authority &c. I am satisfied
Gen^l Washington had not a wish to per-
petuate his authority, but he who
supposes it was practicable had he
evoked it, knows nothing of the spirit
of America, either of the people, or of
those who possessed their confidence.
There was indeed a cabal of the of-
ficers of the army who proposed to
establish a monarchy & to propose
it to Gen^l Washington he frowned
indignantly at the proposition ac-
cording to the informⁿ which got abroad.
and Rufus King & some few civil cha-
racters, chiefly, indeed I believe to a
man North of Maryland, who joined
in this intrigue, but they never dared
openly to avow it, knowing that the spi-
rit which ^{had} produced a change in the form
of govt^t was alive to the preservation of it

pa 28 the members of Congress here allu-
ded to was myself, & the extract quoted
was part of a letter from myself, in answer
to one Gen^l Washington wrote, ~~which see~~
~~I have a copy of my answer~~ [see both]
Gen^l Washington, called on me at An-
napolis (where I then was as a member
of Congress) on his way to the meeting of
the Aniconnati in Philade. we had
much conversation on the institution, this
was chiefly an amplification of the senti-
ments in our letters, and in conclusion
after I had stated to him the modifica-
tions which I thought might remove
all jealousy as well as danger, & the
parts which might still be retained, he
appeared to make up his mind, & said,
"no, not a fibre of it must be retained,
no half way reformation will suffice.
if the thing be bad it must be totally

from twenty-five to fifty per cent. So they were to give us the privileges of native subjects, and we, as a compensation, were to make them pay higher duties. Hamilton, having made his arrangements with Hammond to pretend that though he had no powers to conclude a treaty of commerce, yet his general commission authorized him to enter into the discussion of one, then proposed to the President at one of our meetings that the business should be taken up with Hammond in the same informal way. I now discovered the trap which he had laid, by first getting the President into that step with Ternant. I opposed the thing warmly. Hamilton observed if we did it with Ternant we should also with Hammond. The President thought this reasonable. I desired him to recollect, I had been against it with Ternant, and only acquiesced under his opinion. So the matter went off as to both. His scheme evidently was, to get us engaged first with Ternant, merely that he might have a pretext to engage us on the same ground with Hammond, taking care, at the same time, by an extravagant tariff, to render it impossible we should come to any conclusion with Ternant: probably meaning, at the same time, to propose terms so favorable to Great Britain, as would attach us to that country by treaty. On one of those occasions he asserted that our commerce with Great Britain and her colonies was put on a much more favorable footing than with France and her colonies. I therefore prepared the tabular comparative view of the footing of our commerce with those nations, which see among my papers. See also my project of a treaty and Hamilton's tariff.

Committed to writing March 11th, 1792.

1792, *March 11th.* Mr. Sterret tells me, that sitting

round a fire the other day with four or five others, (Mr. Smith of South Carolina was one), somebody mentioned that the murderers of Hogeboom, sheriff of Columbia county, New York, were acquitted. "Aye," says Smith, "this is what comes of your damned *trial by jury*."

Verbal answer proposed to the President to be made to the Committee who are to wait on him with the resolution of the 10th inst., congratulating on the completion and acceptance of the French constitution.

That the President will, in his answer, communicate to the King of the French, the sentiments expressed by the House of Representatives in the resolution which the committee has delivered him.

Mar. 12, 1792.

It was observable, that whenever at any of our consultations, anything was proposed as to Great Britain, Hamilton had constantly ready something which Mr. Hammond had communicated to him, which suited the subject and proved the intimacy of their communications; insomuch, that I believe he communicated to Hammond all our views, and knew from him, in return, the views of the British court. Many evidences of this occurred; I will state some. I delivered to the President my report of instructions for Carmichael and Short on the subject of navigation, boundary and commerce, and desired him to submit it to Hamilton. Hamilton made several just criticisms on different parts of it. But where I asserted that the United States had no right to alienate an inch of the territory of any State, he attacked and denied the doctrine. See my report, his note, and my answer. A few days after came to hand Kirkland's letter, informing us that the British, at Niagara, expected to run a new line between themselves and us;

and the reports of Pond and Stedman, informing us it was understood at Niagara, that Captain Stevenson had been sent here by Simcoe to settle that plan with Hammond. Hence Hamilton's attack of the principle I had laid down, in order to prepare the way for this new line. See minute of March the 9th. Another proof. At one of our consultations, about the last of December, I mentioned that I wished to give in my report on commerce, in which I could not avoid recommending a commercial retaliation against Great Britain. Hamilton opposed it violently; and among other arguments, observed, that it was of more importance to us to have the posts than to commence a commercial war; that this, and this alone, would free us from the expense of the Indian wars; that it would therefore be the height of imprudence in us, while treating for the surrender of the posts, to engage in anything which would irritate them; that if we did so, they would naturally say, "these people mean war, let us therefore hold what we have in our hands." This argument struck me forcibly, and I said, "if there is a hope of obtaining the posts, I agree it would be imprudent to risk that hope by a commercial retaliation. I will, therefore, wait till Mr. Hammond gives me in his assignment of breaches, and if that gives a glimmering of hope that they mean to surrender the posts, I will not give in my report till the next session." Now, Hammond had received my assignment of breaches on the 15th of December, and about the 22d or 23d had made me an apology for not having been able to send me his counter-assignment of breaches; but in terms which showed I might expect it in a few days. From the moment it escaped my lips in the presence of Hamilton, that I would not give in my report till I should see Hammond's counter-complaint, and judge if there was a

hope of the posts, Hammond never said a word to me on any occasion, as to the time he should be ready. At length the President got out of patience, and insisted I should jog him. This I did on the 21st of February, at the President's assembly; he immediately promised I should have it in a few days, and accordingly, on the 5th of March I received it.

Written March 11th, 1792.

March 12th, 1792. Sent for by the President, and desired to bring the letter he had signed to the King of France. Went. He said the House of Representatives had, on Saturday, taken up the communication he had made of the King's letter to him, and come to a vote in their own name; that he did not expect this when he sent the message and the letter; otherwise he would have sent the message without the letter, as I had proposed. That he apprehended the legislature would be endeavoring to invade the executive. I told him I had understood the House had resolved to request him to join their congratulations to his on the completion and acceptance of the constitution on which part of the vote, there were only two dissentients, (Barnwell and Benson) that the vote was thirty-five to sixteen on that part which expressed an approbation of the wisdom of the constitution; that in the letter he had signed, I had avoided saying a word in approbation of the constitution, not knowing whether the King, in his heart, approved it. Why, indeed, says he, I begin to doubt very much of the affairs of France; there are papers from London as late as the 10th of January, which represent them as going into confusion. He read over the letter he had signed, found there was not a word which could commit his judgment about the constitution, and gave it to me

back again. This is one of many proofs I have had, of his want of confidence in the event of the French revolution. The fact is, that Gouverneur Morris, a high-flying monarchy man, shutting his eyes and his faith to every fact against his wishes, and believing everything he desires to be true, has kept the President's mind constantly poisoned with his forebodings. That the President wishes the revolution may be established, I believe from several indications. I remember, when I received the news of the King's flight and capture, I first told him of it at his assembly. I never saw him so much dejected by any event in my life. He expressed clearly, on this occasion, his disapprobation of the legislature referring things to the Heads of departments.

Written March the 12th.

Eodem die. Ten o'clock A. M. The preceding was about nine o'clock. The President now sends Lear to me, to ask what answer he shall give to the committee, and particularly, whether he shall add to it, that, "in making the communication, it was not his expectation that the House should give any answer." I told Mr. Lear that I thought the House had a right, independently of legislation, to express sentiments on other subjects. That when these subjects did not belong to any other branch particularly, they would publish them by their own authority; that in the present case, which respected a foreign nation, the President being the organ of our nation with other nations, the House would satisfy their duty, if, instead of a direct communication, they should pass their sentiments through the President; that if expressing a sentiment were really an invasion of the executive power, it was so faint a one, that it would be difficult to demonstrate it to the public, and to a public

partial to the French revolution, and not disposed to consider the approbation of it from any quarter as improper. That the Senate, indeed, had given many indications of their wish to invade the executive power: the Representatives had done it in one case, which was indeed mischievous and alarming; that of giving orders to the Heads of the executive departments, without consulting the President; but that the late vote for directing the Secretary of the Treasury to report ways and means, though carried, was carried by so small a majority, and with the aid of members so notoriously under a local influence on that question, as to give a hope that the practice would be arrested, and the constitutional course be taken up, of asking the President to have information laid before them. But that in the present instance, it was so far from being clearly an invasion of the executive and would be so little approved by the general voice, that I could not advise the President to express any dissatisfaction at the vote of the House; and I gave Lear, in writing, what I thought should be his answers. See it.

March 31st. A meeting at the President's; present, Thomas Jefferson, Alexander Hamilton, Henry Knox and Edmond Randolph. The subject was the resolution of the House of Representatives, of March 27th, to appoint a committee to inquire into the causes of the failure of the late expedition under Major General St. Clair with the power to call for such persons, papers and records as may be necessary to assist their inquiries. The committee had written to Knox for the original letters, instructions, &c. The President had called us to consult, merely because it was the first example, and he wished that so far as it should become

a precedent, it should be rightly conducted. He neither acknowledged nor denied, nor even doubted the propriety of what the House were doing, for he had not thought upon it, nor was acquainted with subjects of this kind: he could readily conceive there might be papers of so secret a nature, as that they ought not to be given up. We were not prepared, and wished time to think and enquire.

April 2d. Met again at the President's, on the same subject. We had all considered, and were of one mind, first, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public. Consequently were to exercise a discretion. Fourth, that neither the committee nor House had a right to call on the Head of a department, who and whose papers were under the President alone, but that the committee should instruct their chairman to move the House to address the President. We had principally consulted the proceedings of the Commons in the case of Sir Robert Walpole, 13 Chandler's Debates. For the first point, see pages 161, 170, 172, 183, 187, 207; for the second, pages 153, 173, 207; for the third, 81, 173, appendix page 44; fourth, page 246. Note. Hamilton agreed with us in all these points, except as to the power of the House to call on Heads of departments. He observed, that as to his department, the act constituting it had made it subject to Congress in some points, but he thought himself not so far subject, as to be obliged to produce all the papers they might call for. They might demand secrets of a very mischievous nature.

Here I thought he began to fear they would go on to examining how far their own members and other persons in the government had been dabbling in stocks, banks, &c., and that he probably would choose in this case to deny their power; and, in short, he endeavored to place himself subject to the House, when the executive should propose what he did not like, and subject to the executive, when the House should propose anything disagreeable. I observed here a difference between the British parliament and our Congress, that the former was a legislature, an inquest, and a council (S. C. page 91.) for the King. The latter was, by the constitution, a legislature and an inquest, but not a council. Finally agreed, to speak separately to the members of the committee, and bring them by persuasion into the right channel. It was agreed in this case, that there was not a paper which might not be properly produced, that copies only should be sent, with an assurance, that if they should desire it, a clerk should attend with the originals to be verified by themselves. The committee were Fitzsimmons, Steele, Mercer, Clarke, Sedgwick, Giles and Vining.

April 9th, 1792. The President had wished to redeem our captives at Algiers, and to make peace with them on paying an annual tribute. The Senate were willing to approve this, but unwilling to have the lower House applied to previously to furnish the money; they wished the President to take the money from the treasury, or open a loan for it. They thought that to consult the Representatives on one occasion, would give them a handle always to claim it, and would let them into a participation of the power of making treaties, which the constitution had given exclusively to the President and

Senate. They said too, that if the particular sum was voted by the Representatives, it would not be a secret. The President had no confidence in the secrecy of the Senate, and did not choose to take money from the treasury or to borrow. But he agreed he would enter into provisional treaties with the Algerines, not to be binding on us till ratified here. I prepared questions for consultation with the Senate, and added, that the Senate were to be apprized, that on the return of the provisional treaty, and after they should advise the ratification, he would not have the seal put to it till the two Houses should vote the money. He asked me if the treaty stipulating a sum and ratified by him, with the advice of the Senate, would not be good under the constitution, and obligatory on the Representatives to furnish the money? I answered it certainly would, and that it would be the duty of the Representatives to raise the money; but that they might decline to do what was their duty, and I thought it might be incautious to commit himself by a ratification with a foreign nation, where he might be left in the lurch in the execution: it was possible too, to conceive a treaty, which it would not be their duty to provide for. He said that he did not like throwing too much into democratic hands, that if they would not do what the constitution called on them to do, the government would be at an end, and must *then assume another form*. He stopped here; and I kept silence to see whether he would say anything more in the same line, or add any qualifying expression to soften what he had said, but he did neither.

I had observed, that wherever the agency of either or both Houses would be requisite subsequent to a treaty to carry it into effect, it would be prudent to consult them previously, if the occasion admitted. That thus

it was, we were in the habit of consulting the Senate previously, when the occasion permitted, because their subsequent ratification would be necessary. That there was the same reason for consulting the lower House previously, where they were to be called on afterwards, and especially in the case of money, as they held the purse strings, and would be jealous of them. However, he desired me to strike out the intimation that the seal would not be put till both Houses should have voted the money.

April 6th. The President called on me before breakfast, and first introduced some other matter, then fell on the representation bill, which he had now in his possession for the tenth day. I had before given him my opinion in writing, that the method of apportionment was contrary to the constitution. He agreed that it was contrary to the common understanding of that instrument, and to what was understood at the time by the makers of it; that yet it would bear the construction which the bill put, and he observed that the vote for and against the bill was perfectly geographical, a northern against a southern vote, and he feared he should be thought to be taking side with a southern party. I admitted the motive of delicacy, but that it should not induce him to do wrong; urged the dangers to which the scramble for the fractionary members would always lead. He here expressed his fear that there would, ere long, be a separation of the Union; that the public mind seemed dissatisfied and tending to this. He went home, sent for Randolph, the Attorney General, desired him to get Mr. Madison immediately and come to me, and if we three concurred in opinion that he should negative the bill, he desired to hear nothing more about it, but

that we would draw the instrument for him to sign. They came. Our minds had been before made up. We drew the instrument. Randolph carried it to him. and told him we all concurred in it. He walked with him to the door, and as if he still wished to get off, he said, "and you say you approve of this yourself." "Yes Sir," says Randolph, "I do upon my honor." He sent it to the House of Representatives instantly. A few of the hottest friends of the bill expressed passion, but the majority were satisfied, and both in and out of doors it gave pleasure to have, at length, an instance of the negative being exercised.

Written this the 9th of April.

Notes of a conversation with Hammond. June 3d, 1792.

Having received Mr. Hammond's letter of June 2d, informing me that my letter of May 29th should be sent to his court for their instructions, I immediately went to his house. He was not at home. I wrote him a note, inviting him to come and dine with me alone, that we might confer together in a familiar way on the subject of our letters, and consider what was to be done. He was engaged, but said he would call on me any hour the next day. I invited him to take a solo dinner the next day. He accepted and came: After the cloth was taken off, and the servants retired, I introduced the conversation by adverting to that part of his letter wherein he disavowed any intentional deception, if he had been misinformed, and had misstated any facts, assuring him that I acquitted him of every suspicion of that kind: that he had been here too short a time to be acquainted with facts himself, or to know the best

sources for getting at them: that I had found great difficulty myself in the investigation of facts, and with respect to the proceedings of the courts particularly, had been indebted to the circumstance of Congress being in session, so that I could apply to the members of the different States for information respecting their States. I told him that each party having now stated the matters between the two nations in the point of view in which they appeared to each, had hoped that we might by the way of free conversation abridge what remained: that I expected we were to take for our basis, that the treaty was to be fully executed: that, on our part, we had pronounced our demands explicitly, to have the upper posts delivered up, and the negroes paid for: that they objected infractions on our part, which we denied: that we ought to proceed to investigate the facts on which we differed: that this was the country in which they could alone be investigated; and if it should be found we had *unjustifiably* broken the treaty, the case was of a nature to admit of a proper compromise.

He said that he believed the question had never been understood by his court;—admitted they had as yet heard only one side of it, and that from a party which entertained strong feelings against us (I think he said the Refugees): that the idea would be quite new to his court, of their having committed the first infractions, and of the proceedings on the subject of their debts here being on the ground of retaliation: that this gave the case a complexion so entirely new and different from what had been contemplated, that he should not be justified in taking a single step: that he should send my letter to the ministers—that they would be able to consider facts and dates, see if they had really been the first

infractors, and say what ground they would take on this new state of the case: that the matter was now for the first time carried into mutual discussion: that the close of my letter contained specific propositions, to which they would of course give specific answers adapted to the new statement of things brought forward. I replied, that as to the fact of their committing the first infraction, it could not be questioned: confessed that I believe the ministers which signed the treaty, meant to execute it: that Lord Shelburne's plan was to produce a new coalescence by a liberal conduct towards us: that the ministry which succeeded thought the treaty too liberal, and wished to curtail its effect in the course of executing it; but that if every move and counter-move was to cross the Atlantic, it would be a long game indeed. He said, no: that he thought they could take their ultimate ground at once, on having before them a full view of the facts, and he thought it fortunate that Mr. Bond, from whom he got most of his information, and Lord Dorchester, would be on the spot to bring things to rights, and he imagined he could receive his instructions before November.

I told him that I apprehended that Lord Dorchester would not feel a disposition to promote conciliation, seeing himself marked personally as an infractor; and mentioned to him the opinions entertained here of the unfriendliness of Mr. Bond's mind towards us. He justified Mr. Bond., believed him candid and disposed to conciliate. Besides Mr. Bond, he had received information from their other consuls, and the factors of the merchants, who assured him that they could furnish proofs of the facts they communicated to him, and which he had advanced on their authority, and that he should now write to them to produce their author-

ity. He admitted that the debt to British subjects might be considered as liquidated from the Potomac northward; that South Carolina was making a laudable effort to pay hers; and that the only important object now was, that of Virginia, amounting by his list to two millions sterling; that the attention of the British merchants from North to South was turned to the decision of the case of Jones and Walker, which he hoped would take place at the present session, and let them see what they had to depend on. I told him that I was sorry to learn that but two judges had arrived in Richmond, and that unless the third arrived they would not take it up. I desired him to observe that the question in that case related only to that description of debts which had been paid into the treasury: that without pretending to know with any accuracy what proportion of the whole debt of Virginia had been paid into the treasury, I believed it was a small one; but the case of Jones and Walker would be a precedent for those debts only: that as to the great residuary mass, there were precedents enough, as it appeared they were in a full course of recovery, and that there was no obstacle, real or apparent. He did not appear to have adverted to the distinction, and showed marks of satisfaction on understanding that the question was confined to the other portion of the debts only. He thought that the collection, there being one under a hopeful way, would of itself change the ground on which our difference stands. He observed that the treaty was of itself so vague and inconsistent in many of its parts as to require an explanatory convention. He instanced the two articles, one of which gave them the navigation of the Mississippi, and the other bounded them by a due west line from the Lake of the Woods,

which being now understood to pass beyond the most northern sources of the Mississippi, intercepted all access to that river: that to reconcile these articles, that line should be so run as to give them access to the navigable waters of the Mississippi, and that it would even be for our interest to introduce a third power between us and the Spaniards. He asked my idea of the line from the Lake of the Woods, and of now settling it. I told him I knew of no objection to the settlement of it, that my idea of it was, that if it was an impassable line, as proposed in the treaty, it should be rendered passable by as small and unimportant an alteration as might be, which I thought would be to throw in a line running due north from the northernmost source of the Mississippi, till it should strike the western line from the Lake of the Woods: that the article giving them a navigation in the Mississippi did not relate at all to this northern boundary, but to the southern one, and to the secret article respecting that: that he knew that our Provisional Treaty was made seven weeks before that of Spain: that at the date of ours, their ministers had still a hope of retaining Florida, in which case they were to come up to the thirty-second degree, and in which case also the navigation of the Mississippi would have been important; but that they had not been able, in event, to retain the country to which the navigation was to be an appendage. (It was evident to me that they had it in view to claim a slice on our northwestern quarter, that they may get into the Mississippi; indeed, I thought it presented as a sort of make-weight with the posts to compensate the great losses their citizens had sustained by the infractions charged on us.)

I had hinted that I had not been without a hope that an early possession of the posts might have been given

us as a commencement of full execution of the treaty.

He asked me if I had conceived that he was authorized to write to the Governor of Canada to deliver us the posts? I said I had. He smiled at that idea, and assured me he had by no means any such authority. I mentioned what I had understood to have passed between him and General Dickinson, which was related to me by Mr. Hawkins, to wit: that the posts might be delivered upon the assurance of the recovery of their debts in Virginia. He said that if any such thing as that had dropped from him, it must have been merely as a private and unauthorized opinion, for that the opinion of his court was, that the retention of the posts was but a short compensation for the losses which their citizens had sustained, and would sustain by the delay of their admission into our courts. (Putting together this expression and his frequent declaration that the face of the controversy was now so totally changed from what it was understood to be at his court, that no instructions of his could be applicable to it, I concluded that his court had entertained no thought of ever giving up the posts, and had framed their instructions to him on a totally different hypothesis.) He asked what we understood to be the boundary between us and the Indians? I told him he would see by recurring to my report on the North Western Territory, and by tracing the line there described on Hutchins' map. What did I understand to be our right in the Indian soil? 1st. A right of preemption of their lands; that is to say, the sole and exclusive right of purchasing from them whenever they should be willing to sell. 2d. A right of regulating the commerce between them and the whites. Did I suppose that the right of preemption prohibited any individual of another nation from purchasing lands

which the Indians should be willing to sell? Certainly. We consider it as established by the usage of different nations into a kind of *Jus gentium* for America, that a white nation settling down and declaring that such and such are their limits, makes an invasion of those limits by any other white nation an act of war, but gives no right of soil against the native possessors. Did I think the right of regulating the commerce went to prohibit the British traders from coming into the Indian territory? That has been the idea. He said this would be hard on the Indians. I observed that whichever way the principle was established, it would work equally on both sides the line. I did not know whether we would gain or lose by mutual admission or exclusion. He said they apprehended our intention was to exterminate the Indians and take the lands. I assured him that, on the contrary, our system was to protect them, even against our own citizens; that we wish to get lines established with all of them, and have no views even of purchasing any more lands of them for a long time. We consider them as a *mare chaussee*, or police, for scouring the woods on our borders, and preventing their being a cover for rovers and robbers.

He wished the treaty had established an independent nation between us to keep us apart. He was under great apprehensions that it would become a matter of bidding as it were, between the British and us, who should have the greatest army there, and who should have the greatest force on the lakes: that we, holding posts on this side the water, and they on the other, soldiers looking constantly at one another, would get into broils and commit the two nations in war. I told him we might perhaps regulate by agreement the force to be kept on each side.

He asked what was our view in keeping a force there: that he apprehended if we had these posts, we should be able to hinder vessels from passing. I answered that I did not know whether the position of the present posts was such as that no vessel could pass but within their gun-shot; but that each party must have plenty of such positions on the opposite sides, exclusively of the present posts: that our view in possessing these posts was to awe the Indians, to participate in the fur trade, to protect that trade. Protect it against whom? Against the Indians. He asked what I imagined to be their motives for keeping the posts? To influence the Indians, to keep off a rival nation and the appearance of having a rival nation, to monopolize the fur trade. He said he was not afraid of rivals if the traders would have fair play. He thought it would be better that neither party should have any military posts, but only trading houses. I told him that the idea of having no military posts on either side was new to me: that it had never been mentioned among the members of the Executive: that therefore I could only speak for myself and say that, *prima facie*, it accorded well with two favorite ideas of mine, of leaving commerce free, and never keeping an unnecessary soldier; but when he spoke of having no military posts on either side, there might be difficulty in fixing the distance of the nearest posts. He said that though his opinion on this subject was only a private one, and he understood mine to be so also, yet he was much pleased that we two seemed to think nearly alike, as it might lead to something. He said that their principal object in the fur trade was the consumption of the goods they gave in exchange for the furs. I answered that whether the trade was carried on by English or Americans, it would be with English goods, and the route

boundary
lines

would be, not through Canada, but by the shorter channels of the Hudson or Potomac.

It is not pretended that the above is in the exact order, or the exact words of the conversation. This was often desultory, and I can only answer for having given generally the expression, and always the substance of what passed.

June 4, 1792.

A handwritten signature in cursive script, reading "Th Jefferson". The signature is written in dark ink and is positioned to the right of the date "June 4, 1792.".

July 10th, 1792. My letter of—to the President, directed to him at Mount Vernon, had not found him there, but came to him here. He told me of this, and that he would take an occasion of speaking with me on the subject. He did so this day. He began by observing that he had put it off from day to day, because the subject was painful, to wit, his remaining in office, which that letter solicited. He said that the declaration he had made when he quitted his military life, was sincere. That, however, when he was called on to come forward to set the present government in motion, it appeared to him that circumstances were so changed as to justify a change in his resolution: he was made to believe that in two years all would be well in motion, and he might retire. At the end of two years he found some things still to be done. At the end of the third year, he thought it was not worth while to disturb the course of things, as in one year more his office would expire, and he was decided then to retire. Now he was told there would still be danger in it. Certainly, if he thought so, he would conquer his longing for retirement. But he feared it would be said his former professions of re-

tirement had been mere affectation, and that he was like other men, when once in office he could not quit it. He was sensible, too, of a decay of his hearing, perhaps his other faculties might fall off and he not be sensible of it. That with respect to the existing causes of uneasiness, he thought there were suspicions against a particular party, which had been carried a great deal too far; there might be *desires*, but he did not believe there were *designs* to change the form of government into a monarchy; that there might be a few who wished it in the higher walks of life, particularly in the great cities, but that the main body of the people in the eastern States were as steadily for republicanism as in the southern. That the pieces lately published, and particularly in Freneau's paper, seemed to have in view the exciting opposition to the government. That this had taken place in Pennsylvania as to the excise law, according to information he had received from General Hand. That they tended to produce a separation of the Union, the most dreadful of all calamities, and that whatever tended to produce anarchy, tended, of course, to produce a resort to monarchical government. He considered those papers as attacking him directly, for he must be a fool indeed to swallow the little sugar plums here and there thrown out to him. That in condemning the administration of the government, they condemned him, for if there were measures pursued contrary to his sentiments, they must conceive him too careless to attend to them, or too stupid to understand them. That though, indeed, he had signed many acts which he did not approve in all their parts, yet he had never put his name to one which he did not think, on the whole, was eligible. That as to the bank, which had been an act of so much complaint, until there was some infallible criterion of reason,

a difference of opinion must be tolerated. He did not believe the discontents extended far from the seat of government. He had seen and spoken with many people in Maryland and Virginia in his late journey. He found the people contented and happy. He wished, however, to be better informed on this head. If the discontents were more extensive than he supposed, it might be that the desire that he should remain in the government was not general.

My observations to him tended principally to enforce the topics of my letter. I will not, therefore, repeat them, except where they produced observations from him. I said that the two great complaints were, that the national debt was unnecessarily increased, and that it had furnished the means of corrupting both branches of the legislature; that he must know, and everybody knew, there was considerable squadron in both, whose votes were devoted to the paper and stock-jobbing interest, that the names of a weighty number were known, and several others suspected on good grounds. That on examining the votes of these men, they would be found uniformly for every Treasury measure, and that as most of these measures had been carried by small majorities, they were carried by these very votes. That, therefore, it was a cause of just uneasiness, when we saw a legislature legislating for their own interests, in opposition to those of the people. He said not a word on the corruption of the legislature, but took up the other point, defended the Assumption, and argued that it had not increased the debt, for that all of it was honest debt. He justified the excise law, as one of the best laws which could be passed, as nobody would pay the tax who did not choose to do it. With respect to the increase of the debt by the Assumption, I observed to him that what

was meant and objected to was, that it increased the debt of the General Government, and carried it beyond the possibility of payment. That if the balances had been settled, and the debtor States directed to pay their deficiencies to the creditor States, they would have done it easily, and by resources of taxation in their power, and acceptable to the people; by a direct tax in the south, and an excise in the north. Still, he said, it would be paid by the people. Finding him really approving the treasury system, I avoided entering into argument with him on those points.

Gunston Hall. *Ex-relatione G. Mason.*

Sept. 30th, 1792. The constitution as agreed to till a fortnight before the Convention rose, was such a one as he would have set his hand and heart to. 1st. The President was to be elected for seven years. Then ineligible for seven years more, 2d. Rotation in the Senate. 3d. A vote of two-thirds in the legislature on particular subjects, and expressly on that of navigation. The three New England States were constantly with us in all questions (Rhode Island not there, and New York seldom), so that it was these three States with the five southern ones against Pennsylvania, New Jersey, and Delaware.

With respect to the importation of slaves it was left to Congress. This disturbed the two southernmost States, who knew that Congress would immediately suppress the importation of slaves. Those two States, therefore, struck up a bargain with the three New England States. If they would join to admit slaves for some years, the southernmost States would join in changing

the clause which required two-thirds of the legislature in any vote. It was done. These articles were changed accordingly, and from that moment the two southernmost States, and the three northern ones, joined Pennsylvania, New Jersey and Delaware, and made the majority eight to three against us, instead of eight to three for us, as it had been through the whole Convention. Under this coalition, the great principles of the constitution were changed in the last days of the Convention.

Anecdote. Yates, Lansing and Hamilton represented New York. Yates and Lansing never voted *in one single instance* with Hamilton, who was so much mortified at it that he went home. When the season for courts came on, Yates, a judge, and Lansing, a lawyer, went to attend their courts. Then Hamilton returned.

Anecdote. The constitution as agreed at first was, that amendments might be proposed either by Congress or the legislatures. A committee was appointed to digest and redraw. Gouverneur Morris and King were of the committee. One morning Gouverneur Morris moved an instrument for certain alterations (not one-half the members yet come in). In a hurry and without understanding, it was agreed to. The committee reported so that Congress should have the exclusive power of proposing amendments. George Mason observed it on the report, and opposed it. King denied the construction. Mason demonstrated it, and asked the committee by what authority they had varied what had been agreed. Gouverneur Morris then imprudently got up, and said, by authority of the Convention, and produced the blind instruction before mentioned, which was unknown by one-half of the House, and not till then understood by

the other. They then restored it, as it originally stood. He said he considered Hamilton as having done us more injury than Great Britain and all her fleets and armies. That his (Mason's) plan of settling our debts would have been something in this way. He would have laid as much tax as could be paid without oppressing the people;—particularly he would have laid an impost of about the amount of the first, laid by Congress, but somewhat different in several of its articles. He would have suspended all application of it one year, during which an office should have been open to register unalienated certificates. At the end of the year he would have appropriated his revenue. 1st. To pay the civil list. 2d. The interest of these certificates. 3d. Installments of the principal. 4th. A surplus to buy up the alienated certificates, still avoiding to make any other provision for these last. By the time the unalienated certificates should have been all paid, he supposed half the alienated ones would have been bought up at market. He would then have proceeded to redeem the residue of them.

Bladensburg, October 1st, 1792. This morning, at Mount Vernon, I had the following conversation with the President. He opened it by expressing his regret at the resolution in which I appeared so fixed, in the letter I had written him, of retiring from public affairs. He said, that he should be extremely sorry that I should do it, as long as he was in office, and that he could not see where he should find another character to fill my office. That, as yet, he was quite undecided whether to retire in March or not. His inclinations led him strongly to do it. Nobody disliked more the ceremonies of his office, and he had not the least taste or gratifica-

tion in the execution of it's functions. That he was happy at home alone, and that his presence there was now peculiarly called for by the situation of Major Washington, whom he thought irrecoverable, and should he get well, he would remove into another part of the country, which might better agree with him. That he did not believe his presence necessary; that there were other characters who would do the business as well or better. Still, however, if his aid was thought necessary to save the cause to which he had devoted his life principally, he would make the sacrifice of a longer continuance. That he therefore reserved himself for future decision, as his declaration would be in time if made a month before the day of election. He had desired Mr. Lear to find out from conversation, without appearing to make the inquiry, whether any other person would be desired by any body. He had informed him, he judged from conversations that it was the universal desire he should continue, and he believed that those who expressed a doubt of his continuance, did it in the language of apprehension, and not of desire. But this, says he, is only from the north; it may be very different in the south. I thought this meant as an opening to me to say what was the sentiment in the south, from which quarter I came. I told him that as far as I knew, there was but one voice there, which was for his continuance. That as to myself, I had ever preferred the pursuits of private life to those of public, which had nothing in them agreeable to me. I explained to him the circumstances of the war which had first called me into public life, and those following the war, which had called me from a retirement on which I had determined. That I had constantly kept my eye on my own home, and could no longer refrain from returning to it. As to

himself, his presence was important; that he was the only man in the United States who possessed the confidence of the whole; that government was founded in opinion and confidence, and that the longer he remained the stronger would become the habits of the people in submitting to the government, and in thinking it a thing to be maintained; that there was no other person who would be thought anything more than the head of a party.

He then expressed his concern at the difference which he found to subsist between the Secretary of the Treasury and myself, of which he said he had not been aware. He knew, indeed, that there was a marked difference in our political sentiments, but he had never suspected it had gone so far in producing a personal difference, and he wished he could be the mediator to put an end to it. That he thought it important to preserve the check of my opinions in the administration, in order to keep things in their proper channel, and prevent them from going too far. That as to the idea of transforming this government into a monarchy, he did not believe there were ten men in the United States whose opinions were worth attention, who entertained such a thought. I told him there were many more than he imagined. I recalled to his memory a dispute at his own table, a little before we left Philadelphia, between General Schuyler on one side and Pinckney and myself on the other wherein the former maintained the position, that hereditary descent was as likely to produce good magistrates as election. I told him, that though the people were sound, there were a numerous sect who had monarchy in contemplation; that the Secretary of the Treasury was one of these. That I had heard him say that this constitution was a shilly shally thing, of mere milk and

water, which could not last, and was only good as a step to something better. That when we reflected, that he had endeavored in the convention, to make an English constitution of it, and when failing in that, we saw all his measures tending to bring it to the same thing, it was natural for us to be jealous; and particularly, when we saw that these measures had established corruption in the legislature, where there was a squadron devoted to the nod of the Treasury, doing whatever he had directed, and ready to do what he should direct. That if the equilibrium of the three great bodies, legislative, executive and judiciary, could be preserved, if the legislature could be kept independent, I should never fear the result of such a government; but that I could not but be uneasy, when I saw that the executive had swallowed up the legislative branch. He said, that as to that interested spirit in the legislature, it was what could not be avoided in any government, unless we were to exclude particular descriptions of men, such as the holders of the funds, from all office. I told him there was great difference between the little accidental scheme of self-interest, which would take place in every body of men, and influence their votes, and a regular system for forming a corps of interested persons, who should be steadily at the orders of the Treasury. He touched on the merits of the funding system, observed there was a difference of opinion about it, some thinking it very bad, others very good; that experience was the only criterion of right which he knew, and this alone would decide which opinion was right. That for himself, he had seen our affairs desperate and our credit lost, and that this was in a sudden and extraordinary degree raised to the highest pitch. I told him, all that was ever necessary to establish our credit, was an efficient

government and an honest one, declaring it would sacredly pay our debts, laying taxes for this purpose, and applying them to it. I avoided going further into the subject. He finished by another exhortation to me not to decide too positively on retirement, and here we were called to breakfast.

*all this is
in 1792*
1792
October 31st, 1792. I had sent to the President, Viar and Jaudenes's letter of the 29th instant, whereupon he desired a consultation of Hamilton, Knox, E. Randolph, and myself, on these points: 1. What notice was to be taken hereof to Spain? 2. Whether it should make part of the communication to the legislature? I delivered my opinion, that it ought to be communicated to both Houses, because the communications intended to be made, being to bring on the question, whether they would declare war against any, and which of the nations or parts of the nations of Indians to the south, it would be proper this information should be before them, that they might know how far such a declaration would lead them. There might be some who would be for war against the Indians, if it were to stop there, but who would not be for it, if it were to lead to a war against Spain. I thought it should be laid before both Houses, because it concerned the question of declaring war, which was the function equally of both Houses. I thought a simple acknowledgement of the receipt of the letter should be made by me to the Spanish Charges, expressing that it contained some things very unexpected to us, but that we should refer the whole, as they had proposed, to the negotiators at Madrid. This would secure to us a continuation of the suspension of Indian hostilities, which the Governor of New Orleans said he had brought about till the result of the negotiation at

Madrid should be known; would not commit us as to running or not running the line, or imply any admission of doubt about our territorial right; and would avoid a rupture with Spain, which was much to be desired, while we had similar points to discuss with Great Britain.

Hamilton declared himself the advocate for peace. War would derange our affairs greatly; throw us back many years in the march towards prosperity; be difficult for us to pursue, our countrymen not being disposed to become soldiers; a part of the Union feeling no interest in the war, would with difficulty be brought to exert itself; and we had no navy. He was for everything which would procrastinate the event. A year, even, was a great gain to a nation strengthening as we were. It laid open to us, too, the chapter of accidents, which, in the present state of Europe, was a pretty pregnant one. That while, however, he was for delaying the event of war, he had no doubt it was to take place between us for the object in question; that jealousy and perseverance were remarkable features in the character of the Spanish government, with respect to their American possessions; that so far from receding as to their claims against us, they had been strengthening themselves in them. He had no doubt the present communication was by authority from the court. Under this impression, he thought we should be looking forward to the day of rupture, and preparing for it. That if we were unequal to the contest ourselves, it behoved us to provide allies for our aid. That in this view, but two nations could be named, France and England. France was too intimately connected with Spain in other points, and of too great mutual value, ever to separate for us. Her affairs, too, were such, that whatever issue they had, she could not be in

a situation to make a respectable mediation for us England alone, then, remained. It would not be easy to effect it with her; however, he was for trying it, and for sounding them on the proposition of a defensive treaty of alliance. The inducements to such a treaty on their part, might be, 1. The desire of breaking up our former connections, which we knew they had long wished. 2. A continuance of the *statu quo* in commerce for ten years, which he believed would be desirable to them. 3. An admission to some navigable part of the Mississippi, by some line drawn from the Lake of the Woods to such navigable part. He had not, he said, examined the map to see how such a line might be run, so as not to make too great a sacrifice. The navigation of the Mississippi being a joint possession, we might then take measures in concert for the joint security of it. He was, therefore, for immediately sounding them on this subject through our minister at London; yet so as to keep ourselves unengaged as long as possible, in hopes a favorable issue with Spain might be otherwise effected. But he was for sounding immediately, and for not slipping an opportunity of securing our object.

E. Randolph concurred, in general, with me. He objected that such an alliance could not be effected without pecuniary consideration probably, which we could not give. And what was to be their aid? If men, our citizens would see their armies get foothold in the United States with great jealousy; it would be difficult to protect them. Even the French, during the distress of the late war, excited some jealous sentiments.

Hamilton said, money was often, but not always demanded, and the aid he should propose to stipulate would be in ships. Knox *non dissente*.

The President said the remedy would be worse than the disease, and stated some of the disagreeable circumstances which would attend our making such overtures.

Knox's indirect hints in favor of this alliance brought to my recollection his conversation of yesterday, and that he wished it.

November, 1792. Hamilton called on me to speak about our furnishing supplies to the French colony of St. Domingo. He expressed his opinion, that we ought to be cautious, and not go too far in our application of money to their use, lest it should not be recognized by the mother country. He did not even think that some kinds of government they might establish could give a sufficient sanction.* I observed that the National Convention was now met, and would certainly establish a form of government; that as we had recognized the former government because established by authority of the *nation*, so we must recognize any other which should be established by the authority of the nation. He said we had recognized the former, because it contained an important member of the ancient, to wit, the King, and wore the appearance of his consent; but if, in any future form, they should omit the King, he did not know that we could with safety recognize it, or pay money to it's order.

* There had been a previous consultation at the President's [about the first week in November] on the expediency of suspending payments to France, under her present situation. I had admitted that the late constitution was dissolved by the dethronement of the King, and the management of affairs surviving to the National Assembly only, this was not an integral Legislature, and therefore not competent to give a legitimate discharge for our payments: that I thought, consequently, that none should be made till some legitimate body came into place, and that I should consider the National Convention called, but not met as we had yet heard, to be a legitimate body. Hamilton doubted whether it would be a legitimate body, and whether, if the King should be re-established, he might not disallow such payments on good grounds. Knox, for once dared to differ from Hamilton, and to express, very submissively, an opinion, that a convention named by the whole body of the nation, would be competent to do anything. It ended by agreeing, that I should write to Gouverneur Morris to suspend payment generally, till further orders.

Nov. 11, 1792. Blodget's Calculation of
 the circulating medium of Philadelphia
 the Bank of U. S. their whole stock . . 10 millions.
 $\frac{1}{2}$ of this payable in gold and silver $2\frac{1}{2}$ m.
 of which $\frac{3}{4}$ only are paid Say $1\frac{1}{2}$,
 double this amount issued in paper 3.
 only one-third of it here 1.
 the Bank of N. A. has issued 2.
 Amount of circulating paper of both banks . . 3 millions.
 Add the specie in circulation.

This amounts to 60 dollars each (of paper)
 for every inhabitant.

And the Bank of the U. S. draws 10 per
 cent per annum profit from that.

The circulating cash of Great Britain
 is about 20 million pounds Sterling.

The circulating paper (about) 30

$$50 = \$225,000,000.$$

which is about 28 dollars a head on the population of
 Great Britain.

November 19th. 1792. Beckley brings me the pamphlet written by Hamilton, before the war, in answer to Common Sense. It is entitled "Plain Truth." Metchanthon Smith sends it to Beckley, and in his letter says, it was not printed in New York by Loudon, because prevented by a mob, and was printed in Philadelphia, and that he has these facts from Loudon.

November 21st, 1792. Mr. Butler tells me that he dined last winter with Mr. Campbell from Denmark, in company with Hamilton, Lawrence, Dr. Shippen, T.

Shippen, and one other person whom he cannot recollect. That after dinner political principles became the subject of conversation; that Hamilton declared openly, that "there was no stability, no security in any kind of government but a monarchy." That Lawrence took him up, and entered the lists of argument against him; that the dispute continued long, and grew warm, remarkably so as between them; that T. Shippen, at length, joined Lawrence in it; and in fine, that it broke up the company. Butler recommended to the company that the dispute having probably gone farther than was intended, it ought to be considered as confined to the company.

December 10th, 1792. Present: Alexander Hamilton, General Knox, Edmund Randolph, and Th. Jefferson, at the President's.

It was agreed to reject meeting the Indians at the proposed treaty, rather than to admit a *mediation* by Great Britain; but to admit the presence of Governor Simcoe, not as a *party* (if that was insisted on); and that I should make a verbal communication to Mr. Hammond, in substance, as on the back hereof, which I previously read to the President.

December 12th. I made the communication to Mr. Hammond. He said the attendance of Governor Simcoe was a circumstance only mentioned by him, but not desired; that he would decline it without difficulty; declared it to be their most ardent wish that peace should take place, for their fur-trade was entirely interrupted; and he urged as decisive proof of the sincerity of their wish,—1st. That they had kept the late Indian council together six weeks at a very great expense,

waiting for the Six Nations. 2d. That the Indians at that council were so perfectly satisfied of their desire that they should make peace, that they had not so much as mentioned in council the applying to the British for any supplies. I immediately communicated this to the President.

Heads of conversation with Mr. Hammond, Dec. 12.

That I communicated to the President his information of the consent of the Western Indians to hold conferences of peace with us, in the presence of Governor Simcoe:—took care to apprise him of the informality of the conversation;—that it was accidental;—private;—the present to be considered equally so:—unnecessary to note to him that nothing like a mediation was suggested.

1st. Because so informal a conversation could not include so formal a thing as a mediation.

2d. Because, an established principle of public law among the white nations of America, that while the Indians included within their limits retain all other national rights, no other white nations can become their patrons, protectors, or mediators, nor in any shape intermeddle between them and those within whose limits they are. That Great Britain would not propose an example which would authorize us to cross our boundary, and take under our protection the Indians within her limits.

3d. Because, should the treaty prove ineffectual, it would singularly commit the friendship of the two nations. That the idea of Governor Simcoe's attendance was presented only as a thing desired by the Indians: that the consequences of this had been considered. It is not necessary in order to effect a peace. Our views so just, so moderate, that we have no fear of effecting

peace if left to ourselves. If it cannot be effected, it is much better that nobody on the part of England should have been present;—for however our government is persuaded of the sincerity of your assurances that you have not excited the Indians, yet our citizens in general are not so. It will be impossible to persuade them the negotiations were not defeated by British agents: that, therefore, we do not pretend to make the exclusion of Governor Simcoe a *sine qua non*, provided he be there as a spectator, not as a *party*, yet we should consider his declining to attend, either by himself or any other person, as an instance of their friendship, and as an evidence of it particularly calculated to make due impression on the minds of our citizens. That the place fixed on by the Indians is extremely inconvenient to us, because of the distance and difficulty of transporting provisions there. Three hundred thousand rations will probably be requisite, if three thousand Indians attend. That if we had time we would have proposed some other place, for example, the Maumee towns; but there not being time, we shall do our best to make provision. 1st. We shall collect and carry as much as possible through the Miami channel. 2d. We shall hope for their permission to have purchases made in Upper Canada, and brought along the lake.

December 13th, 1792. The President called on me to see the model and drawings of some mills for sawing stone. After showing them, he in course of a subsequent conversation asked me if there were not some good manufactories of porcelain in Germany; that he was in want of table china, and had been speaking to Mr. Shaw, who was going to the East Indies to bring him a set, but he found that it would not come till *he should no longer*

be in a situation to want it. He took occasion a second time to observe that Shaw said it would be two years at least, before he could have the china here, before which time he said he should be where he should not need it. I think he asked the question about the manufactories in Germany merely to have an indirect opportunity of telling me he meant to retire, and within the limits of two years.

December 17th. Hammond says the person is here to whom the Six Nations delivered the invitation for Simcoe to attend, who says they insisted on it, and would consider his non-attendance as an evidence that he does not wish for peace; but he says that Simcoe has not the least idea of attending; that this gentleman says we may procure in Upper Canada any quantity of provisions, which the people will salt up express during winter; and that he will return and carry our request whenever we are ready.

December 17th. The affair of Reynolds and his wife.—Clingham Muhlenb's clerk testifies F. A. Muhlenb, Monroe Venable—also Wolcott at Wadsworth—known to James Monroe, E. Randolph, Beckley and Webr(?).

Thursday, December 27th, 1792. I waited on the President on some current business. After this was over, he observed to me, that he thought it was time to endeavor to effect a stricter connection with France, and that Gouverneur Morris should be written to on this subject. He went into the circumstances of dissatisfaction between Spain and Great Britain, and us, and observed, there was no nation on whom we could rely,

at all times, but France; and that, if we did not prepare in time some support, in the event of rupture with Spain and England, we might be charged with a criminal negligence. (I was much pleased with the tone of these observations. It was the very doctrine which had been my polar star, and I did not need the successes of the republican arms in France, lately announced to us, to bring me to these sentiments. For it is to be noted, that on Saturday last (the 22d) I received Mr. Short's letters of October the 9th and 12th, with the Leyden gazettes to October the 13th, giving us the first news of the retreat of the Duke of Brunswick, and the capture of Spires and Worms by Custine, and that of Nice by Anselme.) I therefore expressed to the President my cordial approbation of these ideas; told him I had meant on that day (as an opportunity of writing by the British packet would occur immediately) to take his orders for removing the suspension of payments to France, which had been imposed by my last letter to Gouverneur Morris, but was meant, as I supposed, only for the interval between the abolition of the late constitution by the dethronement of the King, and the meeting of some other body, invested by the will of the nation with powers to transact their affairs; that I considered the National Convention, then assembled, as such a body; and that, therefore, we ought to go on with the payments to them, or to any government they should establish; that, however, I had learned last night, that some clause in the bill for providing reimbursement of the loan made by the bank to the United States, had given rise to a question before the House of Representatives yesterday, which might affect these payments; a clause in that bill proposing that the money formerly borrowed in Amsterdam, to pay the French debt, and appropriated by

law (1790, August 4th, c. 34, s. 2) to that purpose, lying dead as was suggested, should be taken to pay the bank, and the President be authorized to borrow two millions of dollars more, out of which it should be replaced; and if this should be done, the removal of our suspension of payment, as I had been about to propose, would be premature. He expressed his disapprobation of the clause above mentioned; thought it highly improper in the Legislature to change an appropriation once made, and added, that no one could tell in what that would end. I concurred, but observed, that on a division of the House, the ayes for striking out the clause were twenty-seven, the noes twenty-six; whereon the Speaker gave his vote against striking out, which divides the House: the clause for the disappropriation remained of course. I mentioned suspicions, that the whole of this was a trick to serve the bank under a great existing embarrassment; that the debt to the bank was to be repaid by installments; that the first installment was of two hundred thousand dollars only, or rather one hundred and sixty thousand dollars, (because forty thousand of the two hundred thousand dollars would be the United States' own dividend of the installment.) Yet here were two millions to be paid them at once, and to be taken from a purpose of gratitude and honor, to which it had been appropriated.

December 30th, 1792. I took the occasion furnished by Pinckney's letter of September the 19th, asking instructions how to conduct himself (as to the French revolution,) to lay down the catholic principle of republicanism, to wit, that every people may establish what form of government they please, and change it as they please; the will of the nation being the only thing essential. I was induced to do this, in order to extract

the President's opinion on the question which divided Hamilton and myself in the conversation of November 1792, and the previous one of the first week of November, on the suspension of payments to France; and if favorable to mine, to place the principles of record in the letter books of my office. I therefore wrote the letter of December the 30th, to Pinckney, and sent it to the President, and he returned me his approbation in writing, in his note of the same date. Which see.

February 7th, 1793. I waited on the President with letters and papers from Lisbon. After going through these, I told him that I had for some time suspended speaking with him on the subject of my going out of office, because I had understood that the bill for intercourse with foreign nations was likely to be rejected by the Senate, in which case, the remaining business of the department would be too inconsiderable to make it worth while to keep it up. But that the bill being now passed, I was freed from the considerations of propriety which had embarrassed me. That &c, (nearly in the words of a letter to Mr. T. M. Randolph, of a few days ago.) and that I should be willing, if he had taken no arrangements to the contrary, to continue somewhat longer, how long I could not say, perhaps till summer, perhaps autumn. He said, so far from taking arrangements on the subject, he had never mentioned to any mortal the design of retiring which I had expressed to him, till yesterday, when having heard that I had given up my house, and that it was rented by another, he thereupon mentioned it to Mr. E. Randolph, and asked him, as he knew my retirement had been talked of, whether he had heard any persons suggested

in conversation to succeed me. He expressed his satisfaction at my change of purpose, and his apprehensions that my retirement would be a new source of uneasiness to the public. He said Governor Lee had that day informed him of the general discontent prevailing in Virginia, of which he never had had any conception, much less sound information. That it appeared to him very alarming. He proceeded to express his earnest wish that Hamilton and myself could coalesce in the measures of the government, and urged here the general reasons for it which he had done to me in two former conversations. He said he had proposed the same thing to Hamilton, who expressed his readiness, and he thought our coalition would secure the general acquiescence of the public. I told him my concurrence was of much less importance than he seemed to imagine; that I kept myself aloof from all cabal and correspondence on the subject of the government, and saw and spoke with as few as I could. That as to a coalition with Mr. Hamilton if by that was meant that either was to sacrifice his general system to the other, it was impossible. We had both, no doubt, formed our conclusions after the most mature consideration; and principles conscientiously adopted, could not be given up on either side. My wish was to see both Houses of Congress cleansed of all persons interested in the bank or public stocks; and that a pure legislature being given us, I should always be ready to acquiesce under their determinations, even if contrary to my own opinions; for that I subscribe to the principle, that the will of the majority, honestly expressed, should give law. I confirmed him in the fact of the great discontents to the south; that they were grounded on seeing that their judgments and interests were sacrificed to those of the eastern States

Wsh

my purpose

on every occasion, and their belief that it was the effect of a corrupt squadron of voters in Congress, at the command of the Treasury; and they see that if the votes of those members who had any interest distinct from, and contrary to the general interest of their constituents, had been withdrawn, as in decency and honesty they should have been, the laws would have been the reverse of what they are on all the great questions. I instanced the new Assumption carried in the House of Representatives by the Speaker's vote. On this subject he made no reply. He explained his remaining in office to have been the effect of strong solicitations after he returned here, declaring that he had never mentioned his purpose of going out but to the Heads of departments and Mr. Madison; he expressed the extreme wretchedness of his existence while in office, and went lengthily into the late attacks on him for levees, &c., and explained to me how he had been led into them by the persons he consulted at New York; and that if he could but know what the sense of the public was, he would most cheerfully conform to it.

February 16th, 1793. E. Randolph tells J. Madison and myself, a curious fact which he had from Lear. When the President went to New York, he resisted for three weeks the efforts to introduce *levees*. At length he yielded, and left it to Humphreys and some others to settle the forms. Accordingly, an ante-chamber and presence room were provided, and when those who were to pay their court were assembled, the President set out, preceded by Humphreys. After passing through the ante-chamber, the door of the inner room was thrown open, and Humphreys entered first, calling out with a loud voice, "the President of the United States." The

President was so much disconcerted with it, that he did not recover from it the whole time of the levee, and when the company was gone, he said to Humphreys, "Well, you have taken me in once, but by God you shall never take me in a second time."

There is reason to believe that the rejection of the late additional Assumption by the Senate, was effected by the President through Lear, operating on Langdon. Beckley knows this.

February 20th, 1793. Colonel W. S. Smith called on me to communicate intelligence from France. He had left Paris November the 9th. He says the French ministers are entirely broken with Gouverneur Morris; shut their doors to him, and will never receive another communication from him. They wished Smith to be the bearer of a message from the President, to this effect, but he declined; and they said in that case they would press it through their own minister here. He says they are sending Genet here with full powers to give us all the privileges we can desire in their countries, and particularly in the West Indies; that they even contemplate to set them free the next summer; that they propose to emancipate South America, and will send forty-five ships of the line there next spring, and Miranda at the head of the expedition; that they desire our debt to be paid them in provisions, and have authorized him to negotiate this. In confirmation of this, he delivers a letter to the President from Le Brun, minister for foreign affairs, in which Le Brun, says that Colonel Smith will communicate plans worthy of his (the President's) great mind, and he shall be happy to receive his opinion as to the means the most suitable to effect it.

I had, five or six days ago, received from Ternant,

extracts from the letters of his ministers, complaining of both Gouverneur Morris and Mr. Short. I sent them this day to the President with an extract from a private letter of Mr. Short, justifying himself, and I called this evening on the President. He said he considered the extracts from Ternant very serious—in short, as decisive; that he saw that Gouverneur Morris could be no longer continued there consistent with the public good; that the moment was critical in our favor, and ought not to be lost: that he was extremely at a loss what arrangement to make. I asked him whether Gouverneur Morris and Pinckney might not change places. He said that would be a sort of remedy, but not a radical one. That if the French ministry conceived Gouverneur Morris to be hostile to them; if they had been jealous merely on his proposing to visit London, they would never be satisfied with us placing him at London permanently. He then observed, that though I had unfixed the day on which I had intended to resign, yet I appeared fixed in doing it at no great distance of time; that in this case, he could not but wish that I would go to Paris; that the moment was important: I possessed the confidence of both sides, and might do great good; that he wished I could do it, were it only to stay there a year or two. I told him that my mind was so bent on retirement that I could not think of launching forth again in a new business, that I could never again cross the Atlantic; and that as to the opportunity of doing good, this was likely to be the scene of action, as Genet was bringing power to do the business here; but that I could not think of going abroad. He replied that I had pressed him to continue in the public service, and refused to do the same myself. I said the case was very different; he united the confidence of all America, and

was the only person who did so: his services therefore were of the last importance; but for myself, my going out would not be noted or known. A thousand others could supply my place to equal advantage, therefore I felt myself free, and that as to the mission to France, I thought Pinckney perfectly proper. He desired me then to consider maturely what arrangement should be made.

Smith, in speaking of Morris, said, that at his own table, in presence of his company and servants, he cursed the French ministers, as a set of damned rascals; said the king would still be replaced upon his throne. He said he knew they had written to have him recalled, and expected to be recalled. He consulted Smith to know whether he would bring his furniture here duty free. Smith has mentioned the situation of Gouverneur Morris freely to others here.

Smith said also that the ministers told him they meant to begin their attack at the mouth of the Mississippi, and to sweep along the Bay of Mexico southwardly, and that they would have no objection to our incorporating into our government the two Floridas.

February 26th, 1793. Notes on the proceedings of yesterday. (See the formal opinions given to the President in writing, and signed.)

First question. We are all of opinion that the treaty should proceed merely to gratify the public opinion, and not from an expectation of success. I expressed myself strongly, that the event was so unpromising, that I thought the preparations for a campaign should go on without the least relaxation, and that a day should be fixed with the commissioners for the treaty, beyond which they should not permit the treaty to be protracted,

by which day orders should be given for our forces to enter into action. The President took up the thing instantly, after I had said this, and declared that he was so much in the opinion that the treaty would end in nothing that he then, in the presence of us all, gave orders to General Knox, not to slacken the preparations for the campaign in the least, but to exert every nerve in preparing for it. Knox said something about the ultimate day for continuing the negotiations. I acknowledged myself not a judge on what day the campaign should begin, but that whatever it was, that day should terminate the treaty. Knox said he thought a winter campaign was always the most efficacious against the Indians. I was of opinion, since Great Britain insisted on furnishing provisions, that we should offer to repay. Hamilton thought we should not.

Second question. I considered our right of pre-emption of the Indian lands, not as amounting to any dominion, or jurisdiction, or paramountship whatever, but merely in the nature of a remainder after the extinguishment of a present right, which gave us no present right whatever, but of preventing other nations from taking possession, and so defeating our expectancy; that the Indians had the full, undivided and independent sovereignty as long as they chose to keep it, and that this might be forever; that as fast as we extend our rights by purchase from them, so fast we extend the limits of our society, and as soon as a new portion became encircled within our line, it became a fixed limit of our society; that the executive, with either or both branches of the legislature, could not alien any part of our territory; that by the law of nations it was settled, that the unity and indivisibility of the society was so fundamental, that it could not be dismembered by the con-

ceding
rights
Indians

stituted authorities, except, 1, where *all power* was delegated to them (as in the case of despotic governments), or 2, where it was expressly delegated; that neither of these delegations had been made to our General Government, and therefore, that it had no right to dismember or alienate any portion of territory once ultimately consolidated with us; and that we could no more cede to the Indians than to the English or Spaniards, as it might, according to acknowledged principles, remain as irrevocably and eternally with the one as the other. But I thought that as we had a right to sell and settle lands once comprehended within our lines, so we might forbear to exercise that right, retaining the property till circumstances should be more favorable to the settlement, and this I agreed to do in the present instance, if necessary for peace.

Hamilton agreed to the doctrine of the law of nations, as laid down in Europe, but that it was founded on the universality of settlement there; consequently, that no lopping off of territory could be made without a lopping off of citizens, which required their consent; but that the law of nations for us must be adapted to the circumstance of our unsettled country, which he conceived the President and Senate may cede; that the power of treaty was given to them by the Constitution, without restraining it to particular objects; consequently, that it was given in as plenipotentiary a form as held by any sovereign in any other society. Randolph was of opinion there was a difference between a cession to Indians and to any others, because it only restored the ceded part to the condition in which it was before we bought it, and consequently, that we might buy it again hereafter; therefore, he thought the executive and Senate could cede it. Knox joined in the main opinion.

The President discovered no opinion, but he made some efforts to get us to join in some terms which could unite us all, and he seemed to direct those efforts more towards me; but the thing could not be done.

Third question. We agreed in idea as to the line to be drawn, to wit, so as to retain all lands appropriated, or granted, or reserved.

Fourth question. We all thought if the Senate should be consulted, and consequently apprized of our line, it would become known to Hammond, and we should lose all chance of saving anything more at the treaty than our ultimatum.

Question. Whether we should furnish the three millions of livres desired by France to procure provisions? I was of opinion we ought to do it, the one part as an arrearage (about 318,000) the residue as an advance towards our payments to be made in Paris in September and November next.

E. Randolph was for furnishing the whole sum asked but under such blind terms, that if the present French government should be destroyed, and the former one reestablished, it might not be imputed to us as a proof of our taking part with the present, but might be excused under a pretext that we thought we might owe it. Knox of the same opinion.

Hamilton saw the combining of powers against France so strong as to render the issue very doubtful. He therefore was against going beyond the 318,000 dollars understood to be in arrears.

The President, at this meeting, mentioned the declaration of some person, in a paper of Fenno, that he would commence an attack on the character of Dr. Franklin. He said the theme was to him excessively disagreeable on other considerations, but most particularly so, as the

party seemed to do it as a means of defending him (the President) against the late attacks on him; that such a mode of defence would be peculiarly painful to him, and he wished it could be stopped. Hamilton and Randolph undertook to speak to Fenno to suppress it, without mentioning it as the President's wish. Both observed that they had heard this declaration mentioned in many companies, and that it had excited universal horror and detestation.

The paper in Fenno must lie between two persons, viz., Adams and Izard, because they are the only persons who should know such facts as are there promised to be unfolded. Adams is an enemy to both characters, and might choose this ground as an effectual position to injure both. Izard hated Franklin with unparalleled bitterness, but humbly adores the President, because he is in *loco regis*. If the paper proceeds, we shall easily discover which of these two gentlemen is the champion. In the meantime, the first paper leads our suspicions more towards Izard than Adams, from the circumstance of style, and because he is quite booby enough not to see the injury he would do to the President by such a mode of defence.

February 28th. Knox, E. Randolph and myself met at Knox's, where Hamilton was also to have met, to consider the time, manner and place of the President's swearing in. Hamilton had been there before, and had left his opinion with Knox, to wit, that the President should ask a judge to attend him in his own house to administer the oath, in the presence of the Heads of departments, which oath should be deposited in the Secretary of State's office. I concurred in this opinion. Randolph was for the President's going to the Senate



THOMAS JEFFERSON, BY GILBERT STUART.

chamber to take the oath, attended by the marshal of the United States, who should then make proclamation, &c. Knox was for this, and for adding the House of Representatives to the presence, as they would not yet be departed. Our individual opinions were written, to be communicated to the President, out of which he might form one. In the course of our conversation, Knox, stickling for parade, got into great warmth, and swore that our government must either be entirely new modeled, or it would be knocked to pieces in less than ten years; and that as it is at present, he would not give a copper for it; that it is the President's character, and not the written constitution, which keeps it together.

Same Day. Conversation with Lear. He expressed the strongest confidence that republicanism was the universal creed of America, except of a very few; that a republican administration must of necessity immediately overbear the contrary faction; said that he had seen with extreme regret that a number of gentlemen had for a long time been endeavoring to instil into the President, that the noise against the administration of the government was that of a little faction, which would soon be silent, and which was detested by the people, who were contented and prosperous; that this very party, however, began to see their error, and that the sense of America was bursting forth to their conviction.

March 2d, 1793. See in the papers of this date, Mr. Giles's resolutions. He and one or two others were sanguine enough to believe that the palpableness of these resolutions rendered it impossible the House could reject them. Those who knew the composition of the House, 1, of bank directors; 2, holders of bank stock; 3,

stock jobbers; 4, blind devotees; 5, ignorant persons who did not comprehend them; 6, lazy and good-humored persons, who comprehended and acknowledged them, yet were too lazy to examine, or unwilling to pronounce censure; the persons who knew these characters, foresaw that the three first descriptions making one-third of the House, the three latter would make one-half of the residue; and, of course, that they would be rejected by a majority of two to one. But they thought that even this rejection would do good, by showing the public the desperate and abandoned dispositions with which their affairs were conducted. These resolutions were proposed, and nothing spared to present them in the fullness of demonstration. There were not more than three or four who voted otherwise than had been expected.

It is known that Murray of Maryland deals in paper.

Mar. 23, 1793. The following list of paper-men is communicated to me by Mr. Beckley.[†]

Gilman* Stockholder in U. S. Bank.

Gerry.* † Stockholder.

Sedgewick.

Ames.* Stockholder.

Goodhue.* Stockholder.

Bourne of Rhode Island, suspected only.

Trumbul.* Stockholder.

Wadsworth.* Stockholder.

Hillhouse.* Stockholder.

Learned. Stockholder.

Laurence. Stockholder and Director.

Gordon.

Boudinot.[†] Stockholder.

Dayton.* Stockholder.

Fitsimmons.* Stockholder and director.

Heister.* Stockholder.

Sterret.

Murray. Stockholder.

Williamson.*† Stockholder.

Smith. Stockholder and Director for himself and his proxies, his vote is near one-fifth of the whole.

Cabot.* Stockholder and Director.

Sherman.* Stockholder.

Elsworth. Stockholder, question.

King.* Stockholder and Director.

Dickinson.

	Stockholders	H. Repr.	Senate:
Morris.* Stockholder	Other paper	16	5
Johnson.*		3	2
		—	—
Izard.* Stockholder.		19	7
	Suspected	2	4

March 30th, 1793. At our meeting at the President's, February 25th, in discussing the question, whether we should furnish to France the three millions of livres desired, Hamilton, in speaking on the subject, used this expression, "When Mr. Genet arrives, whether we shall receive him or not, will then be a question for discussion," which expression I did not recollect till E. Randolph reminded me of it a few days after. Therefore, on the 20th, instant, as the President was shortly to set out for Mount Vernon, I observed to him, that as Genet might arrive in his absence, I wished to know beforehand how I should treat him, whether as a person

† Mar. 25. Beckley says he has this day discovered that Benson is a stockholder. Also Borne of Rhode Island and Key. T. J.

* These are known to Beckley. T. J.

† These avowed it in the presence of T. J. T. J.

who would or would not be received? He said he could see no ground of doubt but that he ought to be received.

On the 24th he asked E. Randolph's opinion on the subject, saying he had consulted Colonel Hamilton thereon, who went into lengthy considerations of doubt and difficulty, and viewing it as a very unfortunate thing that the President should have the decision of so critical a point forced on him; but, in conclusion, said, since he was brought into that situation, he did not see but that he must receive Mr. Genet. Randolph told the President he was clear he should be received, and the President said he had never had any doubt on the subject in his mind. Afterwards, on the same day, he spoke to me again on it, and said Mr. Genet should unquestionably be received; but he thought not with too much warmth or cordiality, so only as to be satisfactory to him. I wondered at first at this restriction; but when Randolph afterwards communicated to me his conversation of the 24th, I became satisfied it was a small sacrifice to the opinion of Hamilton.

March 31st. Mr. Beckley tells me, that the merchants' bonds for duties on six months' credit became due the 1st instant to a very great amount, that Hamilton went to the bank on that day, and directed the bank to discount for those merchants all their bonds at thirty days, and that he would have the collectors credited for the money at the treasury. Hence, the treasury lumping its receipts by the month in its printed accounts, these sums will be considered by the public as only received on the last day; consequently, the bank makes the month's interest out of it. Beckley had this from a merchant who had a bond discounted, and supposes a

million of dollars were discounted at the bank here. Mr. Brown got the same information from another merchant, who supposed only six hundred thousand dollars discounted here. But they suppose the same orders went to all the branch banks to a great amount.

Eodem die. Mr. Brown tells me he has it from a merchant, that during the last winter the directors of the bank ordered the freest discounts. Every man could obtain it. Money being so flush, the six per cents run up to twenty-one and twenty-two shillings. Then the directors sold out their private stocks. When the discounted notes were becoming due, they stopped discounts, and not a dollar was to be had. This reduced six per cents to eighteen shillings and three pence; then the same directors bought it again.

April 7th, 1793. Mr. Lear called on me, and introduced of himself a conversation on the affairs of the United States. He laughed at the cry of prosperity, and the deriving it from the establishment of the treasury; he said, that so far from giving into this opinion and that we were paying off our national debt, he was clear the debt was growing on us; that he had lately expressed this opinion to the President who appeared much astonished at it. I told him I had given the same hint to the President last summer, and lately again had suggested, that we were even depending for the daily subsistence of government on borrowed money. He said, that was certain, and was the only way of accounting for what was become of the money drawn over from Holland to this country. He regretted that the President was not in the way of hearing full information, declared he communicated to him everything he

could learn himself; that the men who vaunted the present government so much on some occasions were the very men who at other times declared it was a poor thing, and such a one as could not stand, and he was sensible they only esteemed it as a stepping stone to something else, and had availed themselves of the first moments of the enthusiasm in favor of it, to pervert its principles and make of it what they wanted; and that though they raised the cry of anti-federalism against those who censured the mode of administration, yet he was satisfied, whenever it should come to be tried, that the very men whom they called anti-federalists, were the men who would save the government, and he looked to the next Congress for such rectification.

Eodem die. Mr. Beckley tells me that a gentleman, heartily a fiscalist, called on him yesterday, told him he had been to New York and into the Prison with Duer with whom he had much conversation. That Pintard, Duer's agent has about 100,000 dollars worth of property in his hands and bids de a ce: that this embarrasses Duer much, who declares that if *certain persons* do not relieve him shortly, he will unfold such a scene of villiany as will astonish the world.

April 18th. The President sends a set of questions to be considered, and call a meeting. Though those sent me were in his own hand writing, yet it was palpable from the style, their ingenious tissue and suite, that they were not the President's, that they were raised upon a prepared chain of argument, in short, that the language was Hamilton's, and the doubts his alone. They led to a declaration of the executive, that our treaty with France is void. E. Randolph, the next day,

told me that the day before the date of these questions' Hamilton went with him through the whole chain of reasoning of which these questions are the skeleton, and that he recognized them the moment he saw them.

We met. The first question, whether we should receive the French minister, Genet, was proposed, and we agreed unanimously that he should be received; Hamilton, at the same time, expressing his great regret that any incident had happened, which should oblige us to recognize the government. The next question was, whether he should be received absolutely, or with qualifications. Here Hamilton took up the whole subject, and went through it in the order in which the questions sketch it. See the chain of his reasoning in my opinions of April 28th. Knox subscribed at once to Hamilton's opinion that we ought to declare the treaty void, acknowledging, at the same time, like a fool as he is, that he knew nothing about it. I was clear it remained valid. Randolph declared himself of the same opinion, but on Hamilton's undertaking to present to him the authority in Vattel (which we had not present) and to prove to him, that if the authority was admitted the treaty might be declared void, Randolph agreed to take further time to consider. It was adjourned. We determined, unanimously, the last question, that Congress should not be called. There having been an intimation by Randolph, that in so great a question he should choose to give a written opinion, and this being approved by the President, I gave in mine April 28th. Hamilton gave in his. I believe Knox's was never thought worth offering or asking for. Randolph gave his May the 6th, concurring with mine. The President told me, the same day, he had never had a doubt about the validity of the treaty; but that since a question had been

suggested, he thought it ought to be considered; that this being done, I might now issue passports to sea vessels in the form prescribed by the French treaty. I had for a week past only issued the Dutch form; to have issued the French, would have been presupposing the treaty to be in existence. The President suggested, that he thought it would be as well that nothing should be said of such a question having been under consideration.

Written May 6th.

May 6th, 1793. The President shows me a draught of a letter from Colonel Hamilton to the collectors of the customs, desiring them to superintend their neighborhood, watch for all acts of our citizens contrary to laws of neutrality or tending to infringe those laws, and inform him of it; and particularly to see if vessels should be building pierced for guns. I told the President that at a conference a few days before Colonel Hamilton and E. Randolph had concurred in opinion against me that for us to build and sell vessels fit for war would be a breach of neutrality, but that I understood them as agreeing that no opinion should go from the public on that question as not being now necessary; that as to the first part of the letter I did not of a sudden decide it to be improper. He, on this, returned the letter to Hamilton with a desire that he, E. Randolph and myself would confer on it.

May 7. We met as trustees of the Sinking Fund. For the opinion I delivered see my note of May 8th to E. Randolph and for his see his answer of May 9th. On the business of the sinking fund, we had meant to have come to a resolution to ask of the President if there was

any money under the loans at our disposal the occasion of laying it out being favorable.

But Hamilton produced a letter just received from our bankers informing him of the impossibility of effecting the new loan which had been ordered (and of which I had not heard before) on this I declared it is my opinion that if the money on hand was not sufficient to pay our next installment to France and also to purchase public debt, (of which I could not be a judge, only knowing that our next installment would be of between 600,000 and 700,000 dollars and was approaching) I should be against failing in the payment which was a positive engagement, whereas the purchase of public debt was voluntary. So nothing was done.

When the question was, whether the proclamation of April 22d should be issued, Randolph observed, that there should be a letter written by me to the ministers of the belligerent powers, to declare that it should not be taken as conclusive evidence against our citizens in foreign courts of admiralty, for contraband goods. Knox suddenly adopted the opinion before Hamilton delivered his. Hamilton opposed it pretty strongly. I thought it an indifferent thing, but rather approved Randolph's opinion. The President was against it; but observed that *as there were three for it, it should go*. This was the first instance I had seen of an opportunity to decide by a mere majority, including his own vote.

May 12th. Lear called on me today. Speaking of the lowness of stocks, (sixteen shillings,) I observed it was a pity we had not money to buy on public account. He said, yes, and that it was the more provoking, as two millions had been borrowed for that purpose, and drawn over here, and yet were not here. That he had no doubt

those would take notice of the circumstance whose duty it was to do so. I suppose he must mean the President.

May 20th, 1793. Question. Shall the privateer fitted out at Charleston and her prizes be ordered out of the ports of the U. S.?

I. As Punishment.

Explain circumstance which drove Genet into the southern passage induced him to land at Charleston.

French citizens soliciting commission to arm. Governor winking at it. Words of XXII Article, *shall not* be lawful for enemies of France fit out privateers. Implication yet *shall* be lawful for French.

So understood universally, by every one here—by ourselves at Charleston—by Genet. Still true it is not expressly permitted—may be forbidden. But till forbidden must be slight offence. The prohibition to be future not retrospective.

II. Right.

What right to order away?

XVII makes lawful to enter with prizes and stay.

In whom is the right to these privateers and prizes?

French citizens retain fidelity in foreign country, have right to return to defence of country by sea or land, may confer on that, associate, contribute money, may buy vessel with own money—man her themselves on condition commence no hostilities *within limits* of U. S. As soon as out of limits, themselves and vessel free as any other.

French citizens *ante-residents*, on same footing as *new visitants*.

When take a vessel at sea, property transferred by laws of war. This point understood at former conference; for if not transferred, should be given up. If

right transferred, then XVIIth Article authorizes entry. No half-way act justifiable.

Objection. It is punishment for the offence.

Answer. No offence till forbidden. Looks only to future.

III. Policy of this Touchiness.

Minister newly arrived.

First from the republic.

Popularity of French nation and cause.

Proposals he brings.

No call of guarantee.

Free trade to islands, } by treaty.
To France,

Shall such a mission to recd. with reprimand?

And for whom. For England?

For confederate princes?

Our reward the Cyclops' boon to Ulysses last devoured. Od. i, 369.

Are we playing ye part England played? Force France to a tack us?

Yet we may take side with the confederating princes?

The party wishing that is very small.

Hamilton and Knox were of opinion for giving up the prize. But if that could not be, then to order away the privateer and prize; and if that could not be, then order away the privateer.

Th. Jefferson of opinion that neither could be given up or ordered away.

E. Randolph for ordering away the privateer and nothing more.

The President confirmed the last opinion and it seemed to be his own.

May 23, 1793. I had sent to the President yesterday,

draughts of a letter from him to the Provisory Executive Council of France, and of one from myself to Mr. Ternant, both on the occasion of his recall. I called on him today. He said there was an expression in one of them, which he had never before seen in any of our public communications, to wit, "our republic." The letter prepared for him to the Council, began thus: "The Citizen Ternant has delivered to me the letter wherein you inform me, that yielding, &c., you had determined to recall him from his mission, as your Minister Plenipotentiary to *our republic*." He had underscored the words *our republic*. He said that certainly ours was a republican government, but yet we had not used that style in this way; that if any body wanted to change its form into a monarchy, he was sure it was only a few individuals, and that no man in the United States would set his face against it more than himself; but that this was not what he was afraid of; his fears were from another quarter; that there was more danger of anarchy being introduced. He adverted to a piece in Freneau's paper of yesterday; he said he despised all their attacks on him personally, but that there never had been an act of the government, not meaning in the executive line only, but in any line, which that paper had not abused. He had also marked the word republic thus "*", where it was applied to the French republic. (See the original paper.) He was evidently sore and warm, and I took his intention to be, that I should interpose in some way with Freneau, perhaps withdraw his appointment of translating clerk to my office. But I will not do it. His paper has saved our constitution, which was galloping fast into monarchy, and has been checked by no one means so powerfully as by that paper. It is well and universally known, that it has been that paper which has checked the career

of the monocrats; and the President, not sensible of the designs of the party, has not with his usual good sense and *sang froid*, looked on the efforts and effects of this free press, and seen that, though some bad things have passed through it to the public, yet the good have preponderated immensely.

June 7th, 1793. Mr. Beckley, who has returned from New York within a few days, tells me that while he was there, Sir John Temple, Consul General of the northern States for Great Britain, showed him a letter from Sir Gregory Page Turner, a member of Parliament for a borough in Yorkshire, who, he said, had been a member for twenty-five years, and always confidential for the ministers, in which he permitted him to read particular passages of the following purport: "that the government was well apprized of the predominancy of the British interest in the United States; that they considered Colonel Hamilton, Mr. King, and Mr. W. Smith, of South Carolina, as the main supports of that interest; that particularly, they considered Colonel Hamilton, and not Mr. Hammond, as their effective minister here; that if the anti-federal interest (that was his term), at the head of which they considered Mr. Jefferson to be, should prevail, these gentlemen *had secured* an asylum to themselves in England." Beckley could not understand whether they had secured it *themselves*,* or whether they were only notified that it was secured to them. So that they understand that they may go on boldly in their machinations to change the government, and if they should be overset and choose to withdraw, they will be secure of a pension in England, as Arnold, Deane, &c.,

* In the margin is written by Mr Jefferson, "Impossible as to Hamilton; he was far above that."

had. Sir John read passages of a letter (which he did not put into Beckley's hand, as he did the other) from Lord Greenville, saying nearly the same things. This letter mentions to Sir John, that though they had divided the Consul Generalship, and given the southern department to Bond, yet he, Sir John, was to retain his whole salary. (By this it would seem, as if, wanting to use Bond, they had covered his employment with this cloak.) Mr. Beckley says that Sir John Temple is a strong republican. I had a proof of his intimacy with Sir John in this circumstance. Sir John received his new commission of Consul for the northern department, and instead of sending it through Mr. Hammond, got Beckley to enclose it to me for his exequatur. I wrote to Sir John that it must come through Mr. Hammond, enclosing it back to him. He accordingly then sent it to Mr. Hammond.

In conversation with the President today, and speaking about General Greene, he said that he and General Greene had always differed in opinion about the manner of using militia. Greene always placed them in his front: himself was of opinion, they should always be used as a reserve to improve any advantage, for which purpose they were the *finest fellows* in the world. He said he was on the ground of the battle of Guilford, with a person who was in the action, and who explained the whole of it to him. That General Greene's front was behind a fence at the edge of a large field, through which the enemy were obliged to pass to get at them; and that in their passage through this, they must have been torn all to pieces, if troops had been posted there who would have stood their ground; and that the retreat from that position was through a thicket, perfectly secure. Instead of this, he posted the North Carolina militia there, who only gave one fire and fell back, so

that the whole benefit of their position was lost. He thinks that the regulars, with their field pieces, would have hardly let a single man get through that field.

Eodem die (June 7th). Beckley tells me that he has the following fact from Governor Clinton. That before the proposition for the present General Government, *i. e.* a little before Hamilton conceived a plan for establishing a monarchical government in the United States, he wrote a draught of a circular letter, which was to be sent to about—persons, to bring it about. One of these letters, in Hamilton's handwriting, is now in possession of an old militia General up the North River, who, at that time, was thought *orthodox* enough to be entrusted in the execution. This General has given notice to Governor Clinton that he has this paper, and that he will deliver it into his hands, and no one's else. Clinton intends the first interval of leisure, to go for it, and he will bring it to Philadelphia. Beckley is a man of perfect truth as to what he affirms of his own knowledge, but too credulous as to what he hears from others.

June 10th, 1793. Mr. Brown gives me the following specimen of the phrenzy which prevailed at New York on the opening of the new government. The first public ball which took place after the President's arrival there, Colonel Humphreys, Colonel W. S. Smith, and Mrs. Knox were to arrange the ceremonials. These arrangements were as follows: a sofa at the head of the room, raised on several steps, whereon the President and Mrs. Washington were to be seated. The gentlemen were to dance in swords. Each one, when going to dance, was to lead his partner to the foot of the sofa, make a low obeisance to the President and his lady, then go and dance, and when

done, bring his partner again to the foot of the sofa for new obeisances, and then to retire to their chairs. It was to be understood, too, that gentlemen should be dressed in bags. Mrs. Knox contrived to come with the President, and to follow him and Mrs. Washington to their destination, and she had the design of forcing an invitation from the President to a seat on the sofa. She mounted up the steps after them unbidden, but unfortunately the wicked sofa was so short, that when the President and Mrs. Washington were seated, there was not room for a third person; she was obliged, therefore, to descend in the face of the company, and to sit where she could. In other respects the ceremony was conducted rigorously according to the arrangements, and the President made to pass an evening which his good sense rendered a very-miserable one to him.

June 12th. Beckley tells me that Klingham has been with him today, and relates to him the following fact. A certificate of the old Congress had been offered at the treasury and refused payment, and so indorsed in red ink as usual. This certificate came to the hands of Francis, (the quondam clerk of the treasury, who, on account of his being dipped in the infamous case of the Baron Glaubec, Hamilton had been obliged to dismiss, to save appearances, but with an assurance of all future service, and he accordingly got him established in New York.) Francis wrote to Hamilton that such a ticket was offered him, but he could not buy it unless he would inform him and give him his certificate that it was good. Hamilton wrote him a most friendly letter, and sent him the certificate. He bought the paper, and came on here and got it recognized, whereby he made twenty-

five hundred dollars. Klingham saw both the letter and certificate.

Irving, a clerk in the treasury, an Irishman, is the author of the pieces now coming out under the signature of Veritas, and attacking the President. I have long suspected this detestable game was playing by the fiscal party, to place the President on their side.

July 5th, 1793. A meeting desired by Alexander Hamilton at my office. Himself, Knox, and myself met accordingly. He said that according to what had been agreed on in presence of the President, in consequence of Mr. Genet's declining to pay the \$45,000 at his command in the treasury, to the holders of the St. Domingo bills, we had agreed to pay the holders out of other money to that amount; that he found, however, that these bills would amount to \$90,000, and the question was whether he should assume \$90,000 to be paid out of the September installment. This, he said, would enable holders to get discounts at the banks, would therefore be equal to ready money, and save them from bankruptcy. Unanimously agreed to. We also agreed to a letter written by General Knox to Governor Mifflin, to have a particular inquiry made whether the Little Sarah is arming, &c., or not. I read a letter from the President about the Swallow letter of Marque at New York complained of by the French Consul. Agreed as the case was new, to let it wait for the President. I read also Governor Lee's letter about the Governor of South Carolina's proclamation respecting pestilential disease in West Indies. We are all of opinion the evidence is too slight for interference, and doubt the power to interfere. Therefore let it lie.

Mr. Genet called on me and read to me very rapidly instructions he had prepared for Michaud, who is going to Kentucky, an address to the inhabitants of Louisiana, and another to those of Canada. In these papers it appears that, besides encouraging those inhabitants to insurrection, he speaks of two generals in Kentucky who have proposed to him to go and take New Orleans, if he will furnish the expense, about 3,000 pounds sterling. He declines advancing it, but promises that sum ultimately for their expenses; proposes that officers shall be commissioned by himself in Kentucky and Louisiana; that they shall rendezvous *out of the territories of the United States*,—suppose in Louisiana, and there making up a battalion to be called the———of inhabitants of Louisiana and Kentucky, and getting what Indians they could, to undertake the expedition against New Orleans, and then Louisiana to be established into an independent State, connected in commerce with France and the United States; that two frigates shall go into the river Mississippi, and co-operate against New Orleans. The address to Canada was to encourage them to shake off English yoke, to call Indians to their assistance, and to assure them of the friendly dispositions of their neighbors of the United States.

He said he communicated these things to me, not as Secretary of State, but as Mr. Jefferson. I told him that his enticing officers and soldiers from Kentucky to go against Spain, was really putting a halter about their necks; for that they would assuredly be hung if they commenced hostilities against a nation at peace with the United States. That leaving out that article I did not care what insurrections should be excited in Louisiana. He had about a fortnight ago sent me a communication for Michaud as consul of France at

Kentucky, and desired an Exequatur. I told him this could not be given, that it was only in the *ports* of the United States they were entitled to consuls, and that if France should have a consul at Kentucky, England and Spain would soon demand the same, and we should have all our interior country filled with foreign agents. He acquiesced, and asked me to return the commission and his note, which I did; but he desired I would give Michaud a letter of introduction for Governor Shelby. I sent him one a day or two after. He now observes to me that in that letter I speak of him only as a person of botanical and natural pursuits, but that he wished the Governor to view him as something more, as a French citizen possessing his confidence. I took back the letter and wrote another. See both.

Monday
July 8th, 1793. At a meeting at the State House of the City of Philadelphia.

Present: the Secretary of State, the Secretary of the Treasury, the Secretary of War.

It appears that a brigantine, called the Little Sarah, has been fitted out at the port of Philadelphia, with fourteen cannon and all other equipment, indicating that she is intended to cruise under the authority of France, and that she is now lying in the river Delaware, at some place between this city and Mud Island; that a conversation has been had between the Secretary of State and the Minister Plenipotentiary of France, in which conversation the Minister refused to give any explicit assurance that the brigantine would continue until the arrival of the President, and his decision in the case, but made declarations respecting her not being ready to sail within the time of the expected return of the President, from which the Secretary of State infers with confidence, that

she will not sail till the President will have an opportunity of considering and determining the case; that in the course of the conversation, the Minister declared that the additional guns which had been taken in by the *Little Sarah* were French property, but the Governor of Pennsylvania declared that he has good ground to believe that two of her cannon were purchased here of citizens of Philadelphia.

The Governor of Pennsylvania asks advice what steps under the circumstances, he shall pursue?

The Secretary of the Treasury and the Secretary of War are of opinion, that it is expedient that immediate measures should be taken provisionally for establishing a battery on Mud Island, under cover of a party of militia, with direction that if the brig *Sarah* should attempt to depart before the pleasure of the President shall be known concerning her, military coercion be employed to arrest and prevent her progress.

The Secretary of State dissents from this opinion.

Reasons for his Dissent.

I am against the preceding opinion of the Secretaries of the Treasury and War, for ordering a battery to be erected on Mud Island, and firing on the *Little Sarah*, an armed vessel of the Republic of France:

Because I am satisfied, from what passed between Mr. Genet and myself at our personal interview yesterday, that the vessel will not be ordered to sail till the return of the President, which, by a letter of this day's post, we may certainly expect within eight and forty hours from this time.

Because the erecting a battery and mounting guns

to prevent her passage might cause a departure not now intended, and produce the fact it is meant to prevent.

Because were such battery and guns now in readiness and to fire on her, in the present ardent state of her crew just in the moment of leaving port, it is morally certain that bloody consequences would follow. No one could say how many lives would be lost on both sides, and all experience has shown, that blood once seriously spilled between nation and nation, the contest is continued by subordinate agents, and the door of peace is shut. At this moment, too, we expect in the river twenty of their ships of war, with a fleet of from one hundred to one hundred and fifty of their private vessels, which will arrive at the scene of blood in time to continue it, if not to partake in it.

Because the actual commencement of hostilities against a nation, for such this act may be, is an act of too serious consequence to our countrymen to be brought on their heads by subordinate officers, not chosen by them nor clothed with their confidence; and too presumptuous on the part of those officers, when the chief magistrate, into whose hands the citizens have committed their safety, is within eight and forty hours of his arrival here, and may have an opportunity of judging for himself and them, whether the buying and carrying away two cannon, (for according to information, the rest are the nation's own property,) is sufficient cause of war between Americans and Frenchmen.

Because, should the vessel, contrary to expectation, depart before the President's arrival, the adverse powers may be told the truth of the case: that she went off contrary to what we had a right to expect; that we shall be justifiable in future cases to measure our confidence accordingly; that for the present we shall demand satis-

faction from France, which, with the proof of good faith we have already given, ought to satisfy them. Above all Great Britain ought not to complain: for, since the date of the order forbidding that any of the belligerent powers should equip themselves in our ports with our arms, these two cannon are all that have escaped the vigilance of our officers on the part of their enemies, while their vessels have carried off more than ten times the number, without any impediment; and if the suggestion be true (and as yet it is but suggestion) that there are fifteen or twenty Americans on board the *Little Sarah*, who have gone with their own consent, it is equally true that more than ten times that number of Americans are at this moment on board English ships of war, who have been taken forcibly from our merchant vessels at sea or in port, wherever met with, and compelled to bear arms against the friends of their country. And is it less a breach of our neutrality towards France to suffer England to strengthen herself with our force, than towards England to suffer France to do so? And are we equally ready and disposed to sink the British vessels in our ports by way of reprisal for this notorious and avowed practice?

Because it is inconsistent for a nation which has been patiently bearing for ten years the grossest insults and injuries from their late enemies, to rise at a feather against their friends and benefactors; and that, too, in a moment when circumstances have kindled the most ardent affections of the two people towards each other; when the little subjects of displeasure which have arisen are the acts of a particular individual, not yet important enough to have been carried to his government as causes of complaint; are such as nations of moderation and justice settle by negotiation, not making war their first

step; are such as that government would correct at a word, if we may judge from the late unequivocal demonstrations of their friendship towards us; and are very slight shades of the acts committed against us by England, which we have been endeavoring to rectify by negotiation, and on which they have never condescended to give any answer to our minister.

Because I would not gratify the combination of kings with the spectacle of the two only republics on earth destroying each other for two cannon; nor would I, for infinitely greater cause, add this country to that combination, turn the scale of contest, and let it be from our hands that the hopes of man received their last stab.

It has been observed that a general order has been already given to stop by force vessels arming contrary to rule in our ports, in which I concurred. I did so because it was highly presumable that the destination of such a vessel would be discovered in some early stage, when there would be few persons on board, these not yet disposed nor prepared to resist, and a small party of militia put aboard would stop the procedure without a marked infraction of the peace. But it is a much more serious thing when a vessel has her full complement of men, (here said to be one hundred and twenty,) with every preparation and probably with disposition to go through with their enterprise. A serious engagement is then a certain consequence. Besides, an act of force committed by an officer in a distant port, under general orders, given long ago, to take effect on all cases, and with less latitude of discretion in him, would be a much more negotiable case than a recent order, given by the general government itself (for that is the character we are to assume) on the spot, in the very moment, pointed at this special case, professing full discretion and not

using it. This would be a stubborn transaction, not admitting those justifications and explanations which might avert a war, or admitting such only as would be entirely humiliating to the officers giving the order, and to the government itself.

On the whole, respect to the chief magistrate, respect to our countrymen, their lives, interests, and affection, respect to a most friendly nation, who, if we give them the opportunity, will answer our wrongs by correcting and not by repeating them; respect to the most sacred cause that ever man was engaged in, poisoning maturely the evils which may flow from the commitment of an act which it would be in the power and probably in the temper of subordinate agents to make an act of continued war, and those which may flow from an eight and forty hours suspension of the act, are motives with me for suspending it eight and forty hours, even should we thereby lose the opportunity of committing it altogether.

Sept. July 6th

July 10th, 1793. The Secretary of the Treasury having communicated to General Knox and myself, that he had been informed that the *Little Sarah* had much augmented her arms and was greatly advanced in her preparations, we concurred in opinion, that the governor should be desired to have a re-examination of the fact. It was done, and a report made, that she had entered the port with only four guns, and now had fourteen. The next day, being Sunday the 7th instant, I received a letter from the governor (of Pennsylvania) by express, informing me, that he understood she would sail that day. I went instantly to town. He told me he had received the intelligence the night before, and had sent Mr. Dallas at midnight to Mr. Genet.

Mr. Dallas told me, that, on his proposing the subject of detaining the vessel, he flew into a great passion, talked extravagantly, and concluded by refusing to order the vessel to stay.

As the Governor had sent for General Knox also, I told him I would in the meantime go to M. Genet and speak with him on the subject. I went. On his coming into the room I told him I had called on the subject of the *Little Sarah*; that our information was, that she was armed contrary to the decision of the President, which had been communicated to him, and that she would sail that day; and I requested that he would detain her till we could inquire into the fact, and lay it before the President, who would be here on Wednesday.

He took up the subject instantly in a very high tone, and went into an immense field of declamation and complaint. I found it necessary to let him go on, and in fact could do no otherwise; for the few efforts which I made to take part in the conversation were quite ineffectual. It is impossible for me to state the particulars of what he said. Such of the general topics as I can now recollect were these. He charged us with having violated the treaties between the two nations, and so went into the cases which had before been subjects of discussion; complained that we suffered our flag to be insulted and disregarded by the English; that they stopped all our vessels, and took out of them whatever they suspected to be French property; that they had taken all the provisions he had embarked in American vessels for the colonies; that if we were not able to protect their vessels in our ports, nor their property on the high seas, we ought to permit them to protect it themselves; that they, on the contrary, paid the highest respect to our flag; that, though it was notorious that

See. See.

most of the cargoes sent from America were British property, yet, being in American vessels, or pretended American vessels, they never touched it, and thus had no chance of retaliating on their enemies; that he had been thwarted and opposed in everything he had had to do with the government; that he found himself in so disagreeable a situation, that he sometimes thought of packing up and going away, as he found he could not be useful to his nation in anything.

He dwelt on the friendly propositions he brought from his nation, on the instructions and dispositions with which he came to do whatever would gratify us; that to such propositions such a return ought not to have been made by the executive without consulting Congress; and that, on the return of the President, he would certainly press him to convene Congress. He had by this time got into a moderate tone, and I stopped him at the subject of calling Congress, explained our constitution to him, as having divided the functions of government among three different authorities, the executive, legislative, and judiciary, each of which were (was) supreme in all questions belonging to their (its) departments, and independent of the others; that all the questions which had arisen between him and us, belonged to the executive department, and, if Congress were sitting, could not be carried to them, nor would they take notice of them.

He asked if they were not the sovereign. I told him so; they were sovereign in making laws only, the executive was sovereign in executing them, and the judiciary in construing them where they related to their department. "But," said he, "at least, Congress are bound to see that the treaties are observed." I told him no; there were very few cases indeed arising out of treaties,

which they could take notice of; that the President is to see that treaties are observed. "If he decides against a treaty, to whom is a nation to appeal?" I told him the constitution had made the President the last appeal. He made me a bow, and said, that indeed he would not make me his compliments on such a constitution, expressed the utmost astonishment at it, and seemed never before to have had such an idea.

He was now come into perfect good humor and coolness, in which state he may with the greatest freedom be spoken with. I observed to him the impropriety of his conduct in persevering in measures contrary to the will of the government, and that too within its limits, wherein unquestionably they had a right to be obeyed. "But," said he, "I have a right to expound the treaty on our side." "Certainly," said I, "each party has an equal right to expound treaties. You, as agent of your nation, have a right to bring forward your exposition, to support it by reasons, to insist on it, to be answered with the reasons for our exposition where it is contrary; and when, after hearing and considering your reasons the highest authority in the nation has decided, it is your duty to say you think the decision wrong, that you cannot take upon yourself to admit it, and will represent it to your government to do as they think proper; but in the meantime, you ought to acquiesce in it, and to do nothing within our limits contrary to it."

He was silent as to this, and I thought was sensible it was right. I brought him to the point of the *Little Sarah*, and pressed his detaining of her till the President's return. "Why detain her?" said he. "Because," said I, "she is reported to be armed with guns acquired here." He said the guns were all French property, and surely we did not pretend to control them

in the disposal of their own property; that he could name to me the French vessels from which he had taken every gun. I told him I would be obliged to him for any evidence of that fact with which he would furnish me, and repeated my request to detain the vessel. He was embarrassed and unwilling. He said he should not be justified in detaining her. I told him it would be considered a very serious offence indeed if she should go away; that the government was determined on that point, and, thinking it was right, would go through with it.

After some hesitation he said he could not make any promise, it would be out of his duty, but that he was very happy in being able to inform me that the vessel was not in readiness, and therefore could not sail that day. I asked him if I might rely, that she would not be ready to sail before the return of the President. He then spoke of her unreadiness indefinitely as to time, said she had many things to do yet, and would not be ready for some time, he did not know when. And whenever I tried to fix it to the President's return he gave the same answer, that she would not be ready for some time, but with the look and gesture, which showed he meant I should understand she would not be gone before that time. "But," said he, "she is to change her position and fall down the river today; but she will not depart yet." "What," said I, "will she fall down to the lower end of the town?" "I do not exactly know where," said he, "but somewhere there for convenience of getting ready some things; but let me beseech you not to permit any attempt to put men on board of her. She is filled with high-spirited patriots, and they will unquestionably resist; and there is no occasion, for I tell you she will not be ready to depart for some time."

July 11, 1793 - Thomas

I told him then I would take it for granted she would not be ready before the President's return, that in the meantime we would have inquiries made into the facts, and would thank him for information on the subject, and that I would take care that the case should be laid before the President the day after his return. He promised to give me a state of facts the next day.

I then returned to the governor, told him what had passed, and that I was satisfied, that, though the vessel was to fall somewhere down the river, she would not sail. He thereupon ordered the militia to be dismissed.

On repeating to him and Mr. Dallas what M. Genet had said we found it agreed in many particulars with what he had said to Mr. Dallas; but Mr. Dallas mentioned some things which he had not said to me, and particularly his declaration that he would appeal from the President to the people. He did, in some part of his declamation to me, drop the idea of publishing a narrative or statement of transactions; but he did not on that, nor ever did on any other occasion in my presence, use disrespectful expressions of the President. He, from a very early period, showed that he believed there existed here an English party, and ascribed to their misinformations, industry, and manœuvres some of the decisions of the executive. He is not reserved on this subject. He complains of the partiality of the information of those employed by government, who never let a single movement of a French vessel pass unnoticed, nor ever inform of an English one arming, or not till it is too late to stop her.

The next day, Monday, I met the Secretaries of the Treasury and War in the governor's office. They proposed our ordering a battery to be erected on Mud Island immediately, guns to be mounted, to fire on the

vessel and even sink her if she attempted to pass. I refused to concur in the order, for reasons assigned in another (the preceding) paper. The vessel was then at Gloucester Point. Whether any intention of this proposition got out, I do not know, but she very soon after fell down to Chester. On a suggestion, that there were fifteen or twenty Americans on board, we desired Mr. Rawle to take measures to prosecute them.

A recapitulation of questions whereon we have given opinions.

Does the treaty with France leave us free to prohibit her from arming vessels in our ports? Thomas Jefferson, Hamilton, Knox, and Randolph unanimous it does. As the treaty obliges us to prohibit the enemies of France from arming in our ports, and leaves us free to prohibit France, do not the laws of neutrality oblige us to prohibit her? Same persons answer they do.

How far may a prohibition now declared be retrospective to the vessels armed in Charleston before the prohibition, to wit, the Citoyen Genet and Sans Culottes, and what is to be done with these prizes? Thomas Jefferson,—It cannot be retrospective at all; they may sell their prizes, and continue to act freely as other armed vessels of France. Hamilton and Knox,—The prizes ought to be given up to the English, and the privateers suppressed. Randolph,—They are free to sell their prizes, and the privateers should be ordered away, not to return here till they shall have been to the dominions of their own sovereign, and thereby purged the illegality of their origin. This last opinion was adopted by the President.

Our citizens who have joined in these hostilities against nations at peace with the United States, are they punishable? E. Randolph gave an official opinion they were. Thomas Jefferson, Hamilton, and Knox joined in the opinion. All thought it our duty to have prosecutions instituted against them, that the laws might pronounce on their case. In the first instance, two only were prosecuted merely to try the question, and to satisfy the complaint of the British minister; and because it was thought they might have offended unwittingly. But a subsequent armament of a vessel at New York taking place with full knowledge of this prosecution, all the persons engaged in it, citizens and foreigners, were ordered to be prosecuted.

May the prohibition extend to the means of the party arming, or are they only prohibited from using our means for the annoyance of their enemies? Thomas Jefferson of opinion they are free to use their own means, *i. e.*, to mount their own guns, &c. Hamilton and Knox of opinion they are not to put even their own implements or means into a posture of annoyance. The President has as yet not decided this.

May an armed vessel arriving here be prohibited to employ their own citizens found here as seamen or mariners? Thomas Jefferson,—They cannot be prohibited to recruit their own citizens. Hamilton and Knox,—They may and ought to be prohibited. No decision yet by the President.

It appears to me the President wished the Little Sarah had been stopped by military coercion, that is, by firing on her; yet I do not believe he would have ordered it himself had he been here, though he would be glad if we had ordered it.

The United States being a ship-building nation, may

they sell ships, prepared for war, to both parties? Thomas Jefferson,—They may sell such ships in their ports to both parties, or carry them for sale to the dominions of both parties. E. Randolph of opinion they could not sell them here; and that if they attempted to carry them to the dominions of the parties for sale, they might be seized by the way as *contraband*. Hamilton of same opinion, except that he did not consider them as seizable for contraband, but as the property of a power making itself a party in the *war* by an aid of such a nature, and consequently that it would be a breach of neutrality.

Hamilton moves that the government of France be desired to recall Mr. Genet. Knox adds that he be in the meantime suspended from his functions. Thomas Jefferson proposes that his correspondence be communicated to his government, with friendly observations. President silent.*

July 15th. Thomas Jefferson, Hamilton and Knox met at the President's. Governor Mifflin had applied to Knox for the loan of four cannon to mount at Mud Island. He informed him he should station a guard of thirty-five militia there, and asked what arrangement for rations the general government had taken. Knox told him nothing could be done as to rations, and he would ask the President for the cannon. In the meantime, he promised him to put the cannon on board a boat, ready to send off as soon as permission was obtained. The President declared his own opinion *first* and fully, that when the orders were given to the government to stop vessels arming, &c., in our ports, even by

*This is committed to writing the morning of the 13th of July, i. e., the whole page. T. J.

military force, he took for granted the governors would use such diligence as to stop those projects in embryo, and stop them when no force was requisite, or a very small party of militia would suffice; that here was a demand from the governor of Pennsylvania to land four cannon under pretext of executing orders of the general government; that if this was granted, we should be immediately applied to by every other governor, and that not for one place only, but for several, and our cannon would be dispersed all over the United States; that for this reason we had refused the same request to the governors of South Carolina, Virginia, and Rhode Island; that if they erected batteries, they must establish men for them, and would come on us for this too. He did not think the Executive had a power to establish permanent guards: he had never looked to anything permanent when the orders were given to the governors, but only an occasional call on small parties of militia in the moments requiring it. These sentiments were so entirely my own, that I did little more than combat on the same grounds the opinions of Hamilton and Knox. The latter said he would be ready to lend an equal number to every government to carry into effect orders of such importance; and Hamilton, that he would be willing to lend them in cases where they happened to be as near the place where they were to be mounted.

Hamilton submitted the purchase of a large quantity of salt-petre, which would outrun the funds destined to objects of that class by Congress. We were unanimous we ought to venture on it, and to the procuring supplies of military stores in the present circumstances, and take on us the responsibility to Congress, before whom it should be laid.

The President was fully of the same opinion.

In the above case of the cannon, the President gave no final order while I remained; but I saw that he was so impressed with the disagreeableness of taking them out of the boat again, that he would yield. He spoke sharply to Knox for having put them in that position without consulting him, and declared that, but for that circumstance, he would not have hesitated one moment to refuse them.

July 18th., 1793. At a meeting at the President's Gen. Knox tells us Governor Blount (now in town) has informed him that when Mr. Florence was in France, certain members of the executive Council enquired of him what were the dispositions of Cumberland settlement, etc., towards Spain? Mr. Florence told them unfriendly. They offered him a commission to embody troops there, to give him a quantity of blank commissions to be filled up by him making officers of the Republic of France, those who should command and undertake to pay the expenses.

Mr. Florence desired his name might not be used. Blount added that Mr. Florence while in France pretended to be a great friend to their revolution though an enemy to it in his heart.

Eodem die. Lear calls on me. I told him that Irving, an Irishman, and a writer in the treasury, who on a former occasion, had given the most decisive proofs of his devotion to his principal, was the author of the pieces signed Veritas; and I wished he could get at some of Irving's acquaintances and inform himself of the fact, as the person who told me of it would not permit the name of his informer to be mentioned; (*Note.*—Beckley told me of it, and he had it from Swaine, the printer to

whom the pieces were delivered;) that I had long before suspected this excessive foul play in that party, of writing themselves in the character of the most exaggerated democrats, and incorporating with it a great deal of abuse on the President, to make him believe it was that party who were his enemies, and so throw him entirely into the scale of the monocrats. Lear said he no longer ago than yesterday, expressed to the President his suspicions of the artifices of that party to work on him. He mentioned the following fact as a proof of their writing in the character of their adversaries; to wit, the day after the little incident of Richet's toasting "the man of the people," (see the gazettes,) Mrs. Washington was at Mrs. Powel's, who mentioned to her that when the toast was given, there was a good deal of disapprobation appeared in the audience, and that many put on their hats and went out; on inquiry, he had not found the fact true, and yet it was put into————'s paper, and written under the character of a republican, though he is satisfied it is altogether a slander of the monocrats. He mentioned this to the President, but he did not mention to him the following fact, which he knows, that in New York, the last summer, when the parties of Jay and Clinton were running so high, it was an agreed point with the former, that if any circumstances should ever bring it to a question, whether to drop Hamilton or the President, they had decided to drop the President. He said that lately one of the loudest pretended friends to the government, damned it, and said it was good for nothing, that it could not support itself, and it was time to put it down and set up a better; and yet the same person, in speaking to the President, puffed of that party as the only friends to the government. He said he really feared, that by their

artifices and industry, they would aggravate the President so much against the republicans, as to separate him from the body of the people. I told him what the same cabals had decided to do, if the President had refused his assent to the bank bill; also what Bröckhurst Livingston said to ———, that Hamilton's life was much more precious to the community than the President's.

July 21st, 1793: At Dr. Logan's today Genet told us that Colonel Hamilton had never in a single instance addressed a letter to him as the Minister of the *republic of France*, but always as the Minister of France.

July 23rd, 1793. A meeting at the President's of the three heads of departments and E. Randolph.

Genet had told me about a fortnight ago that he had come here with instructions to let all his contracts to the lowest bidder of sufficient ability, that he had been privately admonished however at the same time by some individuals who had been in America that, if he meant to succeed, he must put his contracts into the hands of Robert Morris, &c., who were all-powerful in the government. That he paid little regard to this and pursuing vigorously the plan of his instructions he had failed, as I knew, meeting to every proposition for obtaining money, the decided opposition of the Secretary of the Treasury. Knowing as I did how decidedly the Secretary of the Treasury had been against every, the smallest *advance* beyond what was actually exigible, and even for a day, I was attentive to him. He continued, that he had now found out that if he would put the contract into the hands of Mr. Hamilton's friends he could get money. That he had already been in treaty

with Cunningham and Nesbit, had agreed with them on terms mutually acceptable though not as good as in the way pointed out in his instructions, and that Mr. Hamilton had also agreed, though it was not yet in writing. I could not help saying "are you sure Colonel Hamilton is agreed. I think it impossible." I am sure says he, and you shall see. Accordingly at this meeting Colonel Hamilton proposes to agree to pay the orders of Mr. Genet to the amount of the installments of this year, that is today, to note at the treasury those orders as presented, and to say to the persons that such a sum will be paid at the day of the installment and he presented a letter ready cut and dry for the purpose. The President came into it at once, on account of the distress of the refugees from St. Domingo, for whom some of it was to be used. Knox asked no other question than whether it was convenient to the treasury. I agreed to it on my old ground, that I had no objection to an advance. E. Randolph alone was afraid, and insisted the Secretary of the Treasury should present a written paper to each holder of a bill letting them see that we would pay for the *government of France on such a day* such a sum, so that if a counter-revolution should take place between this and the day (to wit, some day in September and another in November) in time to be known here, we should not be held to pay to the holder but to the new government. Hamilton agreed to arrange this with E. Randolph which in private he will easily do.

At this meeting (E. Randolph being called away on business) I proposed an answer to Genet's letter of July 9th on French property taken by the English in American bottoms, which was agreed to in toto. Also an answer to his letter of June 14th covering protests of

consuls about Admiralty courts arresting their prizes. To this it was thought some additions were necessary, and particularly Knox proposed some notice should be taken of the expressions towards the President personally. So it was referred to another day. The President mentioned that we must shortly determine what was to be done with Mr. Genet, that in his own opinion his whole correspondence should be sent to G. Morris with a temperate but strong representation of his conduct, drawing a clear line between him and his nation, expressing our friendship to the latter, but insisting on the recall of Genet, and in the meantime that we should desire him either to withdraw or cease his functions. Hamilton hereon made a long speech exhorting the President to firmness, representing that we were now in a crisis whereon the continuance of the government or it's overthrow by a faction depended, that we were still in time to give the tone to the public mind by laying the whole proceedings before them, and that this should be done in addition to what he had proposed: that as yet the great body of the people could be kept on the right side by proper explanations, but that if we let the incendiaries go on, they would soon have taken sides with them. Knox told some little stories to aggravate the President, to wit, that Mr. King had told him, that a lady had told him, that she heard a gentleman say that the President was as great a tyrant as any of them, and that it would soon be time to chase him out of the city. That Mr. Stagg lately from New York had told him that the St. Tammany society now had meetings to the number of 500 persons, and that Consul Hauteville appeared to be very intimate with them. The President also desired us to reflect on the question of calling Congress.

Hamilton and Knox told the President they had extorted from Beach a confession that Pascal (one of the secretaries of Genet) sent him the queries inserted in his paper two or three days ago and to one of which the Viscount Noailles gave the lie in the paper of today. He said Talon had never been but twice to his house, which was to public dinners, and that he had dined once with Talon, in a large company.

Note given to the President relative to Genet.

July 26th, 1793. Mr. Genet's declaration to the President at his reception, that France did not wish to engage the United States in the present war by the clause of guarantee, but left her free to pursue her own happiness in peace, has been repeated to myself in conversation, and to others, and even in a public answer, so as to place it beyond question.

Some days after the reception of Mr. Genet (which was May 17th), I went to his house on business. The Attorney General went with me to pay his first visit. After he withdrew, Mr. Genet told me Mr. Ternant had delivered him my letter of May 15th on the four memorials of Mr. Hammond. He said something first of the case of the Grange, and then of the vessels armed at Charleston. He said that on his arrival there, he was surrounded suddenly by Frenchmen full of zeal for their country, pressing for authority to arm with their own means for its assistance: that they would fit out their own vessels, provide everything, man them, and only ask a commission from him; that he asked the opinion of Governor Moultrie on the subject, who said he knew no law to the contrary, but begged that whatever was to be done, might be done without consulting him: that

he must know nothing of it, &c.: that hereupon he gave commission to the vessels: that he was of opinion that he was justified, not only by the opinions at Charleston, but by our treaties. I told him the President had taken full advice on the subject, had very maturely considered it, and had come to the decision expressed in my letter. He said he hoped the President had not so absolutely decided it, but that he would hear what was to be said against it. I told him I had no doubt but that the President, out of respect to him and his country, would receive whatever he should have to urge on the subject, and would consider it with candor. He said he would make it his business to write me a letter on the subject: that he thought the arming the privateers was justifiable; but that if the President should finally decide otherwise (though he could not think it would be right), yet he must submit; for that assuredly his instructions were to do whatever would be agreeable to us. He showed, indeed, by his countenance, his manner, and words, that such an acquiescence would be with reluctance; but I was and am persuaded he then meant it.

Mr. Genet called at my office on Tuesday sennight, or fortnight, (say July 16th or 9th), but I think it was Tuesday sennight, and know it was on a Tuesday because he went from thence to the President's. He was summing up to me the strength of the French naval force now arrived. I took that occasion to observe to him, that having such great means in his hands, I thought he ought not to hesitate in abandoning to the orders of the government the little pickeroons which had been armed here unauthorized by them, and which occasioned so much embarrassment and uneasiness: that certainly their good dispositions must be worth more than the

trifling services these little vessels could render. He immediately declared, that having such a force in his hands, he had abandoned every idea of further armament in our ports; that these small objects were now beneath his notice, and he had accordingly written to the consuls to stop everything further of that kind; but that as to those which had been fitted out before, their honor would not permit them to give them up, but he wished an oblivion of everything which had passed, and that in future the measure so disagreeable to the government should not be pursued, though he thought it clearly justifiable by the treaty. I told him the government was of a different opinion: that both parties indeed had equal right to construe the treaty: that, consequently, he had done his duty in remonstrating against our construction, but that since the government remained finally persuaded of the solidity of its own construction, and had a right to act accordingly within their own limits, it was now his duty, as a diplomatic man, to state the matter to his government, to ask and await their orders, and in the meantime to acquiesce, and by no means to proceed in opposition within our limits.

It was at the same time, he informed me, that he had sent out the *Little Democrat*, July 26th, 1793, to obtain intelligence of the state of the coast, and whether it was safe for the fleet to proceed round from Norfolk to New York.

July 29th, 1793. At a meeting at the President's on account of the British letter-of-marque, ship *Jane*, said to have put up waste boards, to have pierced two port holes, and mounted two cannon (which she brought in) on new carriages which she did not bring in, and consequently having sixteen instead of fourteen guns

mounted, it was agreed that a letter-of-marque, or vessel arme en guerre and en marchandise, is not a privateer, and therefore not to be ordered out of our ports. It was agreed by Hamilton, Knox and myself, that the case of such a vessel does not depend on the treaties, but on the law of nations. Edmund Randolph thought, as she had a mixed character of merchant vessel and privateer, she might be considered under the treaty; but this being overruled, the following paper was written:

Rules proposed by Attorney General:

1st. That all equipments purely for the accommodation of vessels, as merchantment, be admitted. Agreed.

2d. That all equipments, doubtful in their nature, and applicable equally to commerce or war, be admitted, as producing too many minutiae. Agreed.

3d. That all equipments, solely adapted to military objects, be prohibited. Agreed.

Rules proposed by the Secretary of the Treasury:

1st. That the original arming and equipping of vessels for military service, offensive or defensive, in the ports of the United States, be considered as prohibited to all. Agreed.

2d. That vessels which were armed before their coming into our ports, shall not be permitted to augment these equipments in the ports of the United States. but may repair or replace any military equipments which they had when they began their voyage for the United States; that this however, shall be with the exception of privateers of the parties opposed to France, who shall not refit or repair. Negatived—the Secretary of the Treasury only holding the opinion.

3d. That for convenience, vessels armed and commissioned before they come into our ports, may engage

their own citizens, not being inhabitants of the United States. Agreed.

I subjoined the following:

I concur in the rules proposed by the Attorney General, as far as respects materials or means of annoyance furnished by us; and I should be for an additional rule, that as to means or materials brought into this country, and belonging to themselves, they are free to use them.

(Knox agreed to the Attorney General in toto, consequently, they were established by the vote of three. Hamilton proposed to put questions on all the propositions separately, and he took the paper and put questions on the three of the Attorney General which were agreed. He was going on with questions on his own propositions without asking us distinctly, but by a sort of a look and a nod, and noting in the margin. I observed I did not understand that opinion, that we had agreed to the Attorney General's propositions; he said it was to take a question on each distinctly. Knox observed that as we understood these rules to extend only to cases out of the treaty we had better express it. I agreed and proposed to add some such words as these, "excepting, always where the treaties shall have otherwise provided." Hamilton broke loose at this and pretended it was meant they should go to all cases. All of us bore testimony against this and that he himself had shown that the present case was out of the treaties. He said he would rather specify the exceptions expressly, than leave them on the general terms I proposed; so it was agreed to take till tomorrow to examine the treaties and specify the exceptions if it could be done. While this was passing E. Randolph took the paper in his hand and read Hamilton's original notes as above, and seeing that he had written "agreed" opposite his own first proposi-

tion, he observed to Knox so that I overheard him that that had not been agreed, which was the truth. To his third proposition we had all agreed in conversation, but it had not been agreed to add it to the rules. It was pretty evident from Hamilton's warmth, embarrassment, eagerness, that he wanted to slip in something which might cover cases we had not in contemplation.)* A question then arose whether we should expressly say that these articles were meant to extend to cases out of the treaty—it was referred to the next day.

July 30th. Met at my office. I proposed to add to the rules a proviso that they should not be understood to contravene, as of right they could not, the provisions of the——article of our treaty with France, the——of that with the United Netherlands, or the——of that with Russia. Before Hamilton and Knox came into the room E. Randolph declared himself for a general reference, or a verbal quotation of the words of the treaties, and against all comments or substitution of new words. When they arrived, Hamilton proposed a reference to the articles of the treaty by a description of the cases in shorter terms, which he proposed as equivalent to those of the treaty. E. Randolph said plumply and without one word of preface that he had been for a general reference to the treaties, but if the special descriptions would give more satisfaction, he would agree to it. So he and Hamilton drew their chairs together and made up the form: but it was agreed to be put off for more mature digestion. *Th. J.*

August 1st. Met at the President's, to consider what was to be done with Mr. Genet. All his correspondence

* The part within marks of parenthesis was marked out by Jefferson.

with me was read over. The following propositions were made: 1. That a full statement of Mr. Genet's conduct be made in a letter to G. Morris, and be sent with his correspondence, to be communicated to the Executive Council of France; the letter to be so prepared, as to serve for the form of communication to the Council. Agreed unanimously. 2. That in that letter his recall be required. Agreed by all, though I expressed a preference of expressing that desire with great delicacy; the others were for peremptory terms. 3. To send him off. This was proposed by Knox; but rejected by every other. 4. To write a letter to Mr. Genet, the same in substance with that written to G. Morris, and let him know we had applied for his recall. I was against this, because I thought it would render him extremely active in his plans, and endanger confusion. But I was overruled by the other three gentlemen and the President. 5. That a publication of the whole correspondence, and statement of the proceedings, should be made by way of appeal to the people. Hamilton made a jury speech of three-quarters of an hour, as inflammatory and declamatory as if he had been speaking to a jury. E. Randolph opposed it. I chose to leave the contest between them. Adjourned to next day.

August 2d. Met again. Hamilton spoke again three-quarters of an hour. I answered on these topics. *Object of the appeal.*—The democratic society; this the great circumstance of alarm; afraid it would extend its connections over the continent, chiefly meant for the local object of the ensuing election of Governor. If left alone, would die away after that is over. If opposed, if proscribed, would give it importance and vigor; would give it a new object, and multitudes would join it merely

to assert the right of voluntary associations. That the measure was calculated to make the President assume the station of the head of a party, instead of the head of the nation. *Plan of the appeal.*—To consist of *facts* and the *decisions* of the President. As to facts we are agreed; but as to decisions, there have been great differences of opinion among us. Sometimes as many opinions as persons. This proves there will be ground to attack the decisions. Genet will appeal also; it will become a contest between the President and Genet—anonymous writers—will be same difference of opinion in *public*, as in our cabinet—will be same difference in *Congress*, for it must be laid before them—would, therefore, work very unpleasantly *at home*. How would it work *abroad*? France—unkind—after such proofs of her friendship, should rely on that friendship, and her justice. Why appeal to the world? Friendly nations always negotiate little differences in private. Never appeal to the world, but when they appeal to the sword. Confederacy of Pilnitz was to overthrow the government of France. The interference of France to disturb other governments and excite insurrections, was a measure of reprisal. Yet these Princes have been able to make it believed to be the system of France. Colonel Hamilton supposes Mr. Genet's proceedings here are in pursuance of that system; and we are so to declare it to the world, and to add our testimony to this base calumny of the Princes. What a triumph to them to be backed by our testimony. What a fatal stroke at the cause of liberty; *et tu Brute*. We indispose the French government, and they will retract their offer of the treaty of commerce. The President manifestly inclined to the appeal to the people.* Knox, in a foolish, incoherent

* He said that Mr. Morris, taking a family dinner with him the other day,

sort of a speech, introduced the pasquinade lately printed, called the funeral of George W—n, and James Wilson, King and Judge, &c., where the President was placed on a guillotine. The President was much inflamed; got into one of those passions when he cannot command himself; ran on much on the personal abuse which had been bestowed on him; defied any man on earth to produce one single act of his since he had been in the government, which was not done on the purest motives; that he had never repented but once the having slipped the moment of resigning his office, and that was every moment since; that *by God* he had rather be in his grave than in his present situation; that he had rather be on his farm than to be made *Emperor of the world*; and yet that they were charging him with wanting to be a King. That that *rascal Freneau* sent him three of his papers every day, as if he thought he would become the distributor of his papers; that he could see in this, nothing but an impudent design to insult him. He ended in this high tone. There was a pause. Some difficulty in resuming our question; it was, however, after a little while, presented again, and he said there seemed to be no necessity for deciding it now; the propositions before agreed on might be put into a train of execution, and perhaps events would show whether the appeal would be necessary or not. He desired we would meet at my office the next day, to consider what should be done with the vessels armed in our ports by Mr. Genet, and their prizes.

went largely, and of his own accord, into the subject; advised this appeal, and promised, if the President adopted it, that he would support it himself, and engage for all his connections. The President repeated this twice, and with an air of importance. Now Mr. Morris has no family connections; he engaged then for his political friends. This shows that the President has not confidence enough in the virtue and good sense of mankind, to confide in a government bottomed on them, and thinks other props necessary. T. J.

August 3d. We met. The rules being now reduced on one paper I considered them, and not finding anything against the treaties as far as I could see, they were agreed to and signed by us all. We proceeded to consider what should be done as to the French privateers arrived in our ports, and their prizes taken since they were ordered away. Randolph recapitulated his old opinion. Hamilton proposed to suppress the privateers by military coercion and deliver the prizes to their owners. I proposed to require from Mr. Genet a delivery of the prizes to their owners, otherwise that, in consequence of the assurances we had given the British Minister, we should be bound to pay for them and must take credit for it with France, and to inform him that we would allow no further asylum in our ports to the said privateers. (These were the Citoyen Genet, Sans Culottes, Vainqueur de la Bastille and Petite Democrate. The two last had been armed subsequent to the prohibition.) My proposition was agreed to with an addition that the governors should be notified that the privateers were no longer permitted to stay in our ports.

The President wrote to take our opinions, whether Congress should be called. Knox pronounced at once against it. Randolph was against it. Hamilton said his judgment was against it, but that if any two were for it, or against it, he would join them to make a majority. I was for it. We agreed to give separate opinions to the President. Knox said we should have had fine work, if Congress had been sitting these two last months. The fool thus let out the secret. Hamilton, endeavored to patch up the indiscretion of this blabber, by saying "he did not know; he rather thought they would have strengthened the executive arm." It is evident they do not wish to lengthen the session of the

next Congress, and probably they particularly wish it should not meet till Genet is gone. At this meeting I received a letter from Mr. Remson, at New York, informing me of the event of the combat between the Ambuscade and the Boston. Knox broke out into the most unqualified abuse of Captain Courtany. Hamilton with less fury, but with the deepest vexation, loaded him with censures. Both showed the most unequivocal mortification at the event.

August 6th. The President concurs with Hamilton and Knox in notifying Mr. Hammond what we propose as to restitution of the prizes made by the Citoyen Genet, etc., or compensation, because says he, if you notify it to the party to whom it will give displeasure, we should do it to that also which will feel satisfaction from it.

He said he should have been for calling Congress himself, but he found the other gentlemen were against it.

August 6th, 1793. The President calls on me at my house in the country, and introduces my letter of July the 31st, announcing that I should resign at the close of the next month. He again expressed his repentance at not having resigned himself, and how much it was increased by seeing that he was to be deserted by those on whose aid he had counted; that he did not know where he should look to find characters to fill up the offices; that mere talents did not suffice for the department of State, but it required a person conversant in foreign affairs, perhaps acquainted with foreign courts; that without this, the best talents would be awkward and at a loss. He told me that Colonel Hamilton had three or four weeks ago written to him, informing him that

private as well as public reasons had brought him to the determination to retire, and that he should do it towards the close of the next session. He said he had often before intimated dispositions to resign, but never as decisively before; that he supposed he had fixed on the latter part of next session, to give an opportunity to Congress to examine into his conduct; that our going out at times so different, increased his difficulty; for if he had both places to fill at once, he might consult both the particular talents and geographical situation of our successors. He expressed great apprehensions at the fermentation which seemed to be working in the mind of the public; that many descriptions of persons, actuated by different causes, appeared to be uniting; what it would end in he knew not; a new Congress was to assemble, more numerous, perhaps of a different spirit; the first expressions of their sentiments would be important; if I would only stay to the end of that, it would relieve him considerably.

I expressed to him my excessive repugnance to public life, the particular uneasiness of my situation in this place, where the laws of society oblige me always to move exactly in the circle which I know to bear me peculiar hatred; that is to say, the wealthy aristocrats, the merchants connected closely with England, the new created paper fortunes; that thus surrounded, my words were caught, multiplied, misconstrued, and even fabricated and spread abroad to my injury; that he saw also, that there was such an opposition of views between myself and another part of the administration, as to render it peculiarly displeasing, and to destroy the necessary harmony. Without knowing the views of what is called the republican party here, or having any communication with them, I could undertake to assure

him, from my intimacy with that party in the late Congress, that there was not a view in the republican party as spread over the United States, which went to the frame of the government; that I believed the next Congress would attempt nothing material, but to render their own body independent; that that party were firm in their disposition to support the government; that the manœuvres of Mr. Genet might produce some little embarrassment, but that he would be abandoned by the republicans the moment they knew the nature of his conduct; and on the whole, no crisis existed which threatened anything.

He said he believed the views of the republican party were perfectly pure, but when men put a machine into motion, it is impossible for them to stop it exactly where they would choose, or to say where it will stop. That the constitution we have is an excellent one, if we can keep it where it is; that it was, indeed, supposed there was a party disposed to change it into a monarchical form, but that he could conscientiously declare there was not a man in the United States who would set his face more decidedly against it than himself. Here I interrupted him by saying, "No rational man in the United States suspects you of any other disposition; but there does not pass a week, in which we cannot prove declarations dropping from the monarchical party that our government is good for nothing, is a milk and water thing which cannot support itself, we must knock it down, and set up something of more energy." He said if that was the case, he thought it a proof of their insanity, for that the republican spirit of the Union was so manifest and so solid, that it was astonishing how any one could expect to move it.

He returned to the difficulty of naming my successor;

he said Mr. Madison would be his first choice, but that he had always expressed to him such a decision against public office, that he could not expect he would undertake it. Mr. Jay would prefer his present office. He said that Mr. Jay had a great opinion of the talents of Mr. King; that there was also Mr. Smith of South Carolina, and E. Rutledge; but he observed, that name whom he would, some objections would be made, some would be called speculators, some one thing, some another; and he asked me to mention any characters occurring to me. I asked him if Governor Johnson of Maryland had occurred to him? He said he had; that he was a man of great good sense, an honest man, and he believed, clear of speculations; but this, says he, is an instance of what I was observing; with all these qualifications, Governor Johnson, from a want of familiarity with foreign affairs, would be in them like a fish out of water; everything would be new to him, and he awkward in everything. I confessed to him that I had considered Johnson rather as fit for the Treasury Department. Yes, says he, for that he would be the fittest appointment that could be made; he is a man acquainted with figures, and having as good a knowledge of the resources of this country as any man. I asked him if Chancellor Livingston had occurred to him? He said yes; but he was from New York, and to appoint him while Hamilton was in, and before it should be known he was going out, would excite a newspaper conflagration, as the ultimate arrangement would not be known. He said McLurg had occurred to him as a man of first-rate abilities, but it is said that he is a speculator. He asked me what sort of a man Wolcott was. I told him I knew nothing of him myself; I had heard him characterized as a cunning man. I asked him whether some person could not take

my office *par interim*, till he should make an appointment? as Mr. Randolph, for instance. Yes, says he, but there you would raise the expectation of keeping it, and I do not know that he is fit for it, nor what is thought of Mr. Randolph. I avoided noticing the last observation, and he put the question to me directly. I then told him, I went into society so little as to be unable to answer it: I knew that the embarrassments in his private affairs had obliged him to use expedients, which had injured him with the merchants and shop-keepers, and affected his character of independence; that these embarrassments were serious, and not likely to cease soon. He said if I would only stay in till the end of another quarter (the last of December) it would get us through the difficulties of this year, and he was satisfied that the affairs of Europe would be settled with this campaign; for that either France would be overwhelmed by it, or the confederacy would give up the contest. By that time, too, Congress will have manifested its character and view. I told him that I had set my private affairs in motion in a line which had powerfully called for my presence the last spring, and that they had suffered immensely from my not going home; that I had now calculated them to my return in the fall, and to fail in going then, would be the loss of another year and prejudicial beyond measure. I asked him whether he could not name Governor Johnson to my office, under an express arrangement that at the close of the session he should take that of the Treasury. He said that men never chose to descend; that being once in a higher department, he would not like to go into a lower one. He asked me whether I could not arrange my affairs by going home. I told him I did not think the public business would admit of it; that there never was a day now

in which the absence of the Secretary of State would not be inconvenient to the public. And he concluded by desiring that I would take two or three days to consider whether I could not stay in till the end of another quarter, for that like a man going to the gallows, he was willing to put it off as long as he could; but if I persisted, he must then look about him and make up his mind to do the best he could; and so he took leave.

August 20th. We met at the President's to examine by paragraphs the draught of a letter I had prepared to Gouverneur Morris on the conduct of Mr. Genet. There was no difference of opinion on any part of it, except on this expression, "An attempt to embroil both, to add still another nation to the enemies of his country, and to draw on both a reproach which it is hoped will never stain the history of either, that of *liberty warring on herself*." Hamilton moved to strike out these words, "that of liberty warring on herself." He urged generally that it would give offence to the combined powers; that it amounted to a declaration that they were warring on liberty; that we were not called on to declare that the cause of France was that of liberty; that he had at first been with them with all his heart, but that he had long since left them, and was not for encouraging the idea here, that the cause of France was the cause of liberty in general, or could have either connection or influence in our affairs. Knox, according to custom, jumped plump into all his opinions. The President, with a good deal of positiveness, declared in favor of the expression; that he considered the pursuit of France to be that of liberty, however they might sometimes fail of the best means of obtaining it; that he had never at any time entertained a doubt of their ultimate success, if they hung well together;

and that as to their dissensions, there were such contradictory accounts given, that no one could tell what to believe. I observed that it had been supposed among us all along that the present letter might become public; that we had therefore three parties to attend to,—1st, France; 2d, her enemies; 3d, the people of the United States; that as to the enemies of France, it ought not to offend them, because the passage objected to, only spoke of an attempt to make the United States, a *free nation*, war on France, a *free nation*, which would be liberty warring against liberty; that as to France, we were taking so harsh a measure (desiring her to recall her minister) that a precedent for it could scarcely be found; that we knew that minister would represent to his government that our executive was hostile to liberty, leaning to monarchy, and would endeavor to parry the charges on himself, by rendering suspicions the source from which they flowed; that, therefore, it was essential to satisfy France, not only of our friendship to her, but our attachment to the general cause of liberty, and to hers in particular; that as to the people of the United States, we know there were suspicions abroad that the executive, in some of its parts, was tainted with a hankering after monarchy, an indisposition towards liberty, and towards the French cause; and that it was important, by an explicit declaration, to remove these suspicions, and restore the confidence of the people in their government. Randolph opposed the passage on nearly the same ground with Hamilton. He added, that he thought it had been agreed that this correspondence should contain no expressions which could give offence to either party. I replied that it had been my opinion in the beginning of the correspondence, that while we were censuring the conduct of the French minister, we should make the

most cordial declarations of friendship to them; that in the first letter or two of the correspondence, I had inserted expressions of that kind, but that himself and the other two gentlemen had struck them out; that I thereupon conformed to their opinions in my subsequent letters, and had carefully avoided the insertion of a single term of friendship to the French nation, and the letters were as dry and husky as if written between the generals of two enemy nations; that on the present occasion, however, it had been agreed that such expressions ought to be inserted in the letter now under consideration, and I had accordingly charged it pretty well with them; that I had further thought it essential to satisfy the French and our own citizens of the light in which we viewed their cause, and of our fellow feeling for the general cause of liberty, and had ventured only four words on the subject; that there was not from beginning to end of the letter one other expression or word in favor of liberty, and I should think it singular at least, if the single passage of that character should be struck out.

The President again spoke. He came into the idea that attention was due to the two parties who had been mentioned, France and the United States; that as to the former, thinking it certain their affairs would issue in a government of some sort—of considerable freedom—it was the only nation with whom our relations could be counted on; that as to the United States, there could be no doubt of their universal attachment to the cause of France, and of the solidity of their republicanism. He declared his strong attachment to the expression, but finally left it to us to accommodate. It was struck out, of course, and the expressions of affection in the context were a good deal taken down.

August 23d, 1793. In consequence of my note of yesterday to the President, a meeting was called this day at his house to determine what should be done with the proposition of France to treat. The importance of the matter was admitted; and being of so old a date as May 22d, we might be accused of neglecting the interests of the United States, to have left it so long unanswered, and it could not be doubted Mr. Genet would avail himself of this inattention. The President declared it had not been inattention, that it had been the subject of conversation often at our meetings, and the delay had proceeded from the difficulty of the thing.

If the struggles of France should end in the old despotism, the formation of such a treaty with the present government would be a matter of offence; if it should end in any kind of free government, he should be very unwilling, by inattention to their advances, to give offence, and lose the opportunity of procuring terms so advantageous to our country. He was, therefore, for writing to Mr. Morris to get the powers of Mr. Genet renewed to his successor. (As he had expressed this opinion to me the afternoon before, I had prepared the draught of a letter accordingly.) But how to explain the delay? The Secretary of the Treasury observed on the letter of the National Convention, that as it did not seem to require an answer, and the matters it contained would occasion embarrassment if answered, he should be against answering it; that he should be for writing to Mr. Morris, mentioning our readiness to treat with them, and suggesting a renewal of Mr. Genet's powers to his successor, but not in as strong terms as I had done in my draught of the letter—not as a thing anxiously wished for by us, lest it should suggest to them the asking a price; and he was for my writing to Mr. Genet *now*, an

answer to his letter of May 22d, referring to the meeting of the Senate the entering on the treaty. Knox concurred with him, the Attorney General also,—except that he was against suggesting the renewal of Mr. Genet's powers, because that would amount to a declaration that we would treat with that government, would commit us to lay the subject before the Senate, and his principle had ever been to do no act, not unavoidably necessary, which, in the event of a counter revolution, might offend the future governing powers of that country. I stated to them that having observed from our conversations that the propositions to treat might not be acceded to immediately, I had endeavored to prepare Mr. Genet for it, by taking occasion in conversations to apprise him of the control over treaties which our constitution had given to the Senate; that though this was indirectly done, (because not having been authorized to say anything official on the subject, I did not venture to commit myself directly,) yet, on some subsequent conversation, I found it had struck him exactly as I had wished; for, speaking on some other matter, he mentioned incidentally his propositions to treat, and said, however, as I know now that you cannot take up that subject till the meeting of the Senate, I shall say no more about it now, and so proceeded with his other subject, which I do not now recollect. I said I thought it possible by recalling the substance of these conversations to Mr. Genet, in a letter to be written now, I might add that the Executive had at length come to a conclusion, that on account of the importance of the matter, they would await the meeting of the Senate; but I pressed strongly the urging Mr. Morris to procure a renewal of Genet's powers, that we might not lose the chance of obtaining so advantageous a treaty. Edmund

Randolph had argued against our acceding to it, because it was too advantageous; so much so that they would certainly break it, and it might become the cause of war. I answered that it would be easy, in the course of the negotiation, to cure it of it's inequality by giving some compensation; but I had no fear of their revoking it, that the islanders themselves were too much interested in the concessions ever to suffer them to be revoked; that the best thinkers in France had long been of opinion that it would be for the interest of the mother country to let the colonies obtain subsistence wherever they could cheapest; that I was confident the present struggles in France would end in a free government of some sort, and that such a government would consider itself as growing out of the present one, and respect its treaties. The President recurred to the awkwardness of writing a letter now to Mr. Genet, in answer to his of May 22d; that it would certainly be construed as merely done with a design of exculpation of ourselves, and he would thence inculcate us. The more we reflected on this, the more the justice of this observation struck us. Hamilton and myself came into it—Knox still for the letter—Randolph half for it, half against it, according to custom.

It was at length agreed I should state the substance of my verbal observations to Mr. Genet, in a letter to Mr. Morris, and let them be considered as the answer intended; for being from the Secretary of State, they might be considered as official, though not in writing.

It is evident that taking this ground for their future justification to France and to the United States, they were sensible they had censurably neglected these overtures of treaty; for not only what I had said to Mr. Genet was without authority from them, but was never com-

municated to them till this day. To rest the justification of delay on answers given, it is true in time; but of which they had no knowledge till now, is an ostensible justification only.

September 4th, 1793. At a meeting held some days ago, some letters from the Governor of Georgia were read, in which a consultation of officers, and a considerable expedition against the Creeks was proposed. We were all of opinion no such expedition should be undertaken. My reasons were that such a war might bring on a Spanish, and even an English war; that for this reason the aggressions of the Creeks had been laid before the last Congress, and they had not chosen to declare war, that therefore the Executive should not take on itself to do it; and that according to the opinions of Pickens and Blount, it was too late in the season.

I thought, however, that a temperate and conciliatory letter should be written to the Governor, in order that we might retain the disposition of the people of the State to assist in an expedition when undertaken. The other gentlemen thought a strong letter of disapprobation should be written. Such a one was this day produced, strong and reprehendatory enough, in which I thought were visible the personal enmities of Knox and Hamilton, against Telfair, Gun, and Jackson—the two last having been of the council of officers. The letter passed without objection, being of the complexion before determined.

Wayne's letter was read, proposing that six hundred militia should set out from Fort Pitt to attack certain Miami towns, while he marched against the principal towns. The President disapproved it, because of the difficulty of concerted movements at six hundred miles

distance; because these six hundred men might, and probably would have the whole force of the Indians to contend with; and because the object was not worth the risking such a number of men. We all concurred. It appeared to me, further, that to begin an expedition from Fort Pitt, the very first order for which is to be given now, when we have reason to believe Wayne advanced as far as Fort Jefferson, would be either too late for his movements, or would retard them very injuriously. *Note.*—The letters from the Commissioners were now read, announcing the refusal of the Indians to treat, unless the Ohio were made the boundary, and that they were on their return.

A letter from Governor Clinton read, informing of his issuing a warrant to arrest Governor Galbaud, at the request of the French Consul, and that he was led to interfere because the judge of the district lived at Albany. It was proposed to write to the judge of the district, that the place of his residence was not adapted to his duties; and to Clinton, that Galbaud was not liable to arrest. Hamilton said, that by the laws of New York, the Governor has the powers of a justice of peace, and had issued the warrant as such.

I was against writing letters to judiciary officers. I thought them independent of the Executive, not subject to its coercion, and, therefore, not obliged to attend to its admonitions.

The other three were for writing the letters. They thought it the duty of the President to see that the laws were executed; and if he found a failure in so important an officer, to communicate it to the legislature for impeachment.

Edmund Randolph undertook to write the letters, and I am to sign them as if mine. The President brought

forward the subject of the ports, and thought a new demand of answer should be made to Mr. Hammond. As we had not Mr. Hammond's last answer (of June 20th) on that subject, agreed to let it lie over to Monday.

Hamilton proposed that on Monday we should take into consideration the fortification of the rivers and ports of the United States, and that though the Executive could not undertake to do it, preparatory surveys should be made to be laid before Congress, to be considered on Monday.

The letters to Genet covering a copy of mine to Gov. Morris of ——— to the French consuls, threatening the revocation of their Exequaturs—to Mr. Pinckney on the additional instructions of Great Britain to their navy for shipping our corn, flour, &c., and to Gov. Morris on the similar order of the French National Assembly, are to be ready on Monday.

My letter to Mr. Hammond, in answer to his of August 30th, was read and approved. Hamilton wished not to narrow the ground of compensation so much as to cases after August 7th. Knox joined him, and by several observations showed he did not know what the question was. He could not comprehend that the letter of August 7th, which promised compensation (because we had not used all the means in our power for restricting), would not be contradicted by a refusal to compensate in cases after August 7th, where we should naturally use all the means in our power for restriction, and these means should be insufficient. The letter was agreed to on Mr. Randolph's opinion and mine; Hamilton acquiescing, Knox opposing.

November 8th, 1793. At a conference at the President's where I read several letters of Mr. Genet, on

finishing one of them, I asked what should be the answer? The President thereupon took occasion to observe, that Mr. Genet's conduct continued to be of so extraordinary a nature, that he meant to propose to our serious consideration, whether he should not have his functions discontinued, and be ordered away? He went lengthily into observations on his conduct, to raise against the executive, 1, the people; 2, the State governments; 3, the Congress. He showed he felt the venom of Genet's pen, but declared he would not choose his insolence should be regarded any further than as might be thought to affect the honor of the country. Hamilton and Knox readily and zealously argued for dismissing Mr. Genet. Randolph opposed it with firmness, and pretty lengthily. The President replied to him lengthily, and concluded by saying he did not wish to have the thing hastily decided, but that we should consider of it, and give our opinions on his return from Reading and Lancaster.

Accordingly, *November 18th*, we met at his house, read new volumes of Genet's letters, received since the President's departure; then took up the discussion of the subjects of communication to Congress. 1. The Proclamation. E. Randolph read the statement he had prepared. Hamilton did not like it; said much about his own views; that the President had a right to declare his opinion to our citizens and foreign nations; that it was not the interest of this country to join in the war, and that we were under no obligation to join in it; that though the declaration would not legally bind Congress, yet the President had a right to give his opinion of it, and he was against any explanation in the speech, which should yield; that he did not intend that foreign nations should consider it as a declaration of neutrality, future as well as present; that he understood it as meant to

give them that sort of assurance and satisfaction, and to say otherwise now, would be a deception on them. He was for the President's using such expressions, as should neither affirm his right to make such a declaration to foreign nations, nor yield it. Randolph and myself opposed the right of the President to declare anything future on the question, shall there or shall there not be war, and that no such thing was intended; that Hamilton's construction of the effect of the proclamation, would have been a determination of the question of the *guarantee*, which we both denied to have intended, and I had at the time declared the executive incompetent to. Randolph said he meant that foreign nations should understand it as an intimation of the President's opinion that neutrality would be our interest. I declared my meaning to have been, that foreign nations should understand no such thing; that on the contrary, I would have chosen them to be doubtful, and to come and bid for our neutrality. I admitted the President having received the nation at the close of Congress in a state of peace, was bound to preserve them in that state till Congress should meet again, and might proclaim anything which went no farther. The President declared he never had an idea that he could bind Congress against declaring war, or that anything contained in his proclamation could look beyond the first day of their meeting. His main view was to keep our people in peace; he apologized for the use of the term neutrality in his answers, and justified it, by having submitted the first of them (that to the merchants, wherein it was used) to our consideration, and we had not objected to the term. He concluded in the end, that Colonel Hamilton should prepare a paragraph on this subject for the speech, and



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it should then be considered. We were here called to dinner.

After dinner, the *renvoi* of Genet was proposed by himself. I opposed it on these topics. France, the only nation on earth sincerely our friend. The measure so harsh a one, that no precedent is produced where it has not been followed by war. Our messenger has now been gone eighty-four days; consequently, we may hourly expect the return, and to be relieved by their revocation of him. Were it now resolved on, it would be eight or ten days before the matter on which the order should be founded, could be selected, arranged, discussed, and forwarded. This would bring us within four or five days of the meeting of Congress. Would it not be better to wait and see how the pulse of that body, new as it is, would beat. They are with us now, probably, but such a step as this may carry many over to Genet's side. Genet will not obey the order, &c., &c. The President asked me what I would do if Genet sent the accusation to us to be communicated to Congress, as he threatened in the letter to Moultrie? I said I would not send it to Congress; but either put it in the newspapers, or send it back to him to be published if he pleased. Other questions and answers were put and returned in a quicker altercation than I ever before saw the President use. Hamilton was for the *renvoi*; spoke much of the dignity of the nation; that they were now to form their character; that our conduct now would tempt or deter other foreign ministers from treating us in the same manner; touched on the President's personal feelings; did not believe France would make it a cause of war; if she did we ought to do what was right, and meet the consequences, &c. Knox on the same side, and said he thought it very possible Mr. Genet would either de-

clare us a department of France, or levy troops here and endeavor to reduce us to obedience. Randolph of my opinion, and argued chiefly on the resurrection of popularity to Genet, which might be produced by this measure. That at present he was dead in the public opinion, if we would but leave him so. The President lamented there was not unanimity among us; that as it was, we had left him exactly where we found him; and so it ended.

November 15th, 1793. E. Randolph tells me, that Hamilton, in conversation with him yesterday, said, "Sir, if all the people in America were now assembled, and to call on me to say whether I am a friend to the French revolution, I would declare that *I have it in abhorrence.*"

November 21st. We met at the President's. The manner of explaining to Congress the intentions of the proclamation, was the matter of debate. Randolph produced his way of stating it. This expressed its views to have been, 1, to keep our citizens quiet; 2, to intimate to foreign nations that it was the President's opinion, that the interests and dispositions of this country were for peace. Hamilton produced his statement, in which he declared his intention to be, to say nothing which could be laid hold of for any purpose; to leave the proclamation to explain itself. He entered pretty fully into all the argumentation of Pacificus; he justified the right of the President to declare his opinion for a *future neutrality*, and that there existed no circumstances to oblige the United States to enter into the war on account of the guarantee; and that in agreeing to the proclamation, he meant it to be understood as conveying both

those declarations; viz. neutrality, and that the *casus fœderis* on the guarantee did not exist. Notwithstanding these declarations of the President, he admitted the Congress might declare war. In like manner, they might declare war in the face of a treaty, and in direct infraction of it. Among other positions laid down by him, this was with great positiveness, that the constitution having given power to the President and Senate to make treaties, they might make a treaty of neutrality which should take from Congress the right to declare war in that particular case, and that under the form of a treaty they might exercise any powers whatever, even those exclusively given by the constitution to the House of Representatives. Randolph opposed this position, and seemed to think that where they undertook to do acts by treaty, (as to settle a tariff of duties,) which were exclusively given to the Legislature, that an act of the Legislature would be necessary to confirm them, as happens in England, when a treaty interferes with duties established by law. I insisted that in giving to the President and Senate a power to make treaties, the constitution meant only to authorize them to carry into effect, by way of treaty, any powers they might constitutionally exercise. I was sensible of the weak points in this position, but there were still weaker in the other hypothesis; and if it be impossible to discover a rational measure of authority to have been given by this clause, I would rather suppose that the cases which my hypothesis would leave unprovided, were not thought of by the Convention, or if thought of, could not be agreed on, or were thought on and deemed unnecessary to be invested in the government. Of this last description, were treaties of neutrality, treaties offensive and defensive, &c. In every event, I would rather construe so nar-

rowly as to oblige the nation to amend, and thus declare what powers they would agree to yield, than too broadly, and indeed, so broadly as to enable the executive and Senate to do things which the constitution forbids. On the question, which form of explaining the principles of the proclamation should be adopted, I declared for Randolph's, though it gave to that instrument more objects than I had contemplated. Knox declared for Hamilton's. The President said he had had but one object, the keeping our people quiet till Congress should meet; that nevertheless, to declare he did not mean a declaration of neutrality, in the technical sense of the phrase, might perhaps be crying *peccavi* before he was charged. However, he did not decide between the two draughts.

November 23d. At the President's. Present, Knox, Randolph, and Th: Jefferson. Subject, the heads of the speech. One was, a proposition to Congress to fortify the principal harbors. I opposed the expediency of the General Government's undertaking it, and the expediency of the President's proposing it. It was amended by substituting a proposition to adopt means for enforcing respect to the jurisdiction of the United States within its waters. It was proposed to recommend the establishment of a military academy. I objected that none of the specified powers given by the constitution to Congress, would authorize this. It was, therefore, referred for further consideration and inquiry. Knox was for both propositions. Randolph against the former, but said nothing as to the latter. The President acknowledged he had doubted of the expediency of undertaking the former; and as to the latter, though it would be a good thing, he did not wish to bring on anything

which might generate heat and ill humor. It was agreed that Randolph should draw the speech and the messages :

November 28th. We met at the President's.

I read over a list of the papers copying, to be communicated to Congress on the subject of Mr. Genet. It was agreed that Genet's letter of August 13th to the President, mine of August 16th, and Genet's of November to myself and the Attorney General, desiring a prosecution of Jay and King should not be sent to the legislature: on a general opinion, that the discussion of the fact certified by Jay and King had better be left to the channel of the newspapers, and in the private hands in which it now is, than for the President to meddle in it, or give room to a discussion of it in Congress.

E. Randolph had prepared a draught of the speech. The clause recommending fortifications was left out; but that for a military academy was inserted. I opposed it, as unauthorized by the constitution. Hamilton and Knox approved it without discussion. Randolph was for it, saying that the words of the constitution authorizing Congress to lay taxes, &c., *for the common defence*, might comprehend it. The President said he would not choose to recommend anything against the constitution, but if it was *doubtful*, he was so impressed with the necessity of this measure, that he would refer it to Congress, and let them decide for themselves whether the constitution authorized it or not. It was, therefore left in. I was happy to see that Randolph had, by accident, used the expression "our republic," in the speech. The President, however, made no objection to it, and so, as much as it had disconcerted him on a former occasion with me, it was now put into his own mouth to be pronounced to the two Houses of legislature.

No material alterations were proposed or made in any part of the draught.

After dinner, I produced the draught of messages on the subject of France and England, proposing that that relative to Spain should be subsequent and secret.

Hamilton objected to the draught *in toto*; said that the contrast drawn between the conduct of France and England amounted to a declaration of war. He denied that France had ever done us favors; that it was mean for a nation to acknowledge favors; that the dispositions of the people of this country towards France, he considered as a serious calamity; that the executive ought not, by an echo of this language, to nourish that disposition in the people; that the offers in commerce made us by France, were the offspring of the moment, of circumstances which would not last, and it was wrong to receive as permanent, things merely temporary; that he could demonstrate that Great Britain showed us more favors than France. In complaisance to him I whittled down the expressions without opposition; struck out that of "favors ancient and recent" from France; softened some terms, and omitted some sentiments respecting Great Britain. He still was against the whole, but insisted that, at any rate, it should be a secret communication, because the matters it stated were still depending. These were, 1, the inexecution of the treaty; 2, the restraining our corn commerce to their own ports and those of their friends. Knox joined Hamilton in everything. Randolph was for the communications; that the documents respecting the 1st should be given in as public; but that those respecting the 2nd should not be given to the legislature at all, but kept secret. I began to tremble now for the whole, lest all should be kept secret. I urged, especially, the duty now incumbent on

the President, to lay before the legislature and the public what had passed on the inexecution of the treaty, since Mr. Hammond's answer of this month might be considered as the last we should ever have; that, therefore, it could no longer be considered as a negotiation pending. I urged that the documents respecting the stopping our corn ought also to go, but insisted that if it should be thought better to withhold them, the restrictions should not go to those respecting the treaty; that neither of these subjects was more in the state of *pendency* than the recall of Mr. Genet, on which, nevertheless, no scruples had been expressed. The President took up the subject with more vehemence than I have seen him show, and decided without reserve, that not only what had passed on the inexecution of the treaty should go in as public, (in which Hamilton and Knox had divided in opinion from Randolph and myself,) but also that those respecting the stopping our corn should go in as public, (wherein Hamilton, Knox, and Randolph had been against me). This was the first instance I had seen of his deciding on the opinion of one against that of three others, which proved his own to have been very strong.

December 1st, 1793. Beckley tells me he had the following fact from Lear. Langdon, Cabot, and some others of the Senate, standing in a knot before the fire after the Senate had adjourned, and growling together about some measure which they had just lost; "Ah!" said Cabot, "things will never go right till you have a President for life, and an hereditary Senate." Langdon told this to Lear, who mentioned it to the President. The President seemed struck with it, and declared he had not supposed there was a man in the United States who could have entertained such an idea.

March 2d, 1797. I arrived at Philadelphia to qualify as Vice-President, and called instantly on Mr. Adams, who lodged at Francis's, in Fourth street. The next morning he returned my visit at Mr. Madison's, where I lodged. He found me alone in my room, and shutting the door himself, he said he was glad to find me alone, for that he wished a free conversation with me. He entered immediately on an explanation of the situation of our affairs with France, and the danger of rupture with that nation, a rupture which would convulse the attachments of this country; that he was impressed with the necessity of an immediate mission to the Directory; that it would have been the first wish of his heart to have got me to go there, but that he supposed it was out of the question, as it did not seem justifiable for him to send away the person destined to take his place in case of accident to himself, nor decent to remove from competition one who was a rival in the public favor. That he had, therefore, concluded to send a mission, which, by its dignity, should satisfy France, and by its selection from the three great divisions of the continent, should satisfy all parts of the United States; in short, that he had determined to join Gerry and Madison to Pinckney, and he wished me to consult Mr. Madison for him. I told him that as to myself, I concurred in the opinion of the impropriety of my leaving the post assigned me, and that my inclinations, moreover, would never permit me to cross the Atlantic again; that I would as he desired, consult Mr. Madison, but I feared it was desperate, as he had refused that mission on my leaving it, in General Washington's time, though it was kept open a twelvemonth for him. He said that if Mr. Madi-

son should refuse, he would still appoint him, and leave the responsibility on him. I consulted Mr. Madison, who declined as I expected. I think it was on Monday the 6th of March, Mr. Adams and myself met at dinner at General Washington's, and we happened, in the evening, to rise from table and come away together. As soon as we got into the street, I told him the event of my negotiation with Mr. Madison. He immediately said, that, on consultation, some objections to that nomination had been raised which he had not contemplated; and was going on with excuses which evidently embarrassed him, when we came to Fifth street, where our road separated, his being down Market street, mine off along Fifth, and we took leave; and he never after that said one word to me on the subject, or ever consulted me as to any measures of the government! The opinion I formed at the time on this transaction, was, that Mr. Adams, in the first moments of the enthusiasm of the occasion, (his inauguration,) forgot party sentiments, and as he never acted on any system, but always governed by the feeling of the moment, he thought, for a moment, to steer impartially between the parties; that Monday, the 6th of March, being the first time he had met his cabinet, on expressing ideas of this kind, he had been at once diverted from them, and returned to his former party views.

July, 1797. Murray is rewarded for his services by an appointment to Amsterdam; W. Smith of Charleston, to Lisbon.

August 24th. About the time of the British treaty, Hamilton and Talleyrand, bishop of Autun, dined together, and Hamilton drank freely. Conversing on the

treaty, Talleyrand says "mais vraiment Monsieur Hamilton, ce n'est pas *bien honnete*, after making the Senate ratify the treaty, to advise the President to reject it." "The treaty," says Hamilton, "is an execrable one, and Jay was an old woman for making it; but the whole credit of saving us from it must be given to the President." After circumstances had led to a conclusion that the President also must ratify it, he said to the same Talleyrand, "though the treaty is a most execrable one, yet when once we have come to a determination on it, we must carry it through thick and thin, right or wrong." Talleyrand told this to Volney, who told it to me.

There is a letter now appearing in the papers from Pickering to Monroe, dated July the 24th, 1797, which I am satisfied is written by Hamilton. He was in Philadelphia at that date.

October 13th, 1797. Littlepage, who has been on one or two missions from Poland to Spain, said that when Gardoqui returned from America, he settled with his court an account of secret service money of six hundred thousand dollars. *Ex relatione* Colonel Monroe.

December 26th, 1797. Langdon tells me, that at the second election of President and Vice-President of the United States, when there was a considerable vote given to Clinton in opposition to Mr. Adams, he took occasion to remark it in conversation in the Senate chamber with Mr. Adams, who, gritting his teeth, said, "damn 'em, damn 'em, damn 'em, you see that an elective government will not do." He also tells me that Mr. Adams, in a late conversation, said, "republicanism must be disgraced, Sir." The Chevalier Yruho called on him at

Braintree and conversing on French affairs, and Yruho expressing his belief of their stability, in opposition to Mr. Adams', the latter lifting up and shaking his finger at him, said, "I'll tell you what, the French republic will not last three months." This I had from Yruho.

Harper, lately in a large company, was saying that the best thing the friends of the French could do, was to pray for the restoration of their monarch. "Then," says a bystander, "the best thing we could do, I suppose, would be to pray for the establishment of a monarch in the United States." "Our people," says Harper "are not yet ripe for it, but it is the best thing we can come to, and we shall come to it." Something like this was said in presence of Findlay.*

December 27th. Tenche Coxe tells me, that a little before Hamilton went out of office, or just as he was going out, taking with him his last conversation, and among other things, on the subject of their differences, "for my part," says he, "I avow myself a monarchist; I have no objection to a trial being made of this thing of a republic, but," &c.

January 5th, 1798. I receive a very remarkable fact indeed in our history, from Baldwin and Skinner. Before the establishment of our present government, a very extensive combination had taken place in New York and the eastern States, among that description of people who were partly monarchical in principle, or frightened with Shay's rebellion and the impotence of the old Con-

* Mar. 1798. He now denies it in the public papers though it can be proved by several members. T. J.

gress. Delegates in different places had actually had consultations on the subject of seizing on the powers of a government, and establishing them by force; had corresponded with one another, and had sent a deputy to General Washington to solicit his co-operation. He calculated too well to join them. The new convention was in the meantime proposed by Virginia and appointed. These people believed it impossible the States should ever agree on a government, as this must include the impost and all the other powers which the States had, a thousand times, refused to the general authority. They therefore let the proposed convention go on, not doubting its failure, and confiding that on its failure would be a still more favorable moment for their enterprise. They therefore wished it to fail, and especially, when Hamilton, their leader, brought forward his plan of government, failed entirely in carrying it, and retired in disgust from the convention. His associates then took every method to prevent any form of government being agreed to. But the well-intentioned never ceased trying, first one thing, then another, till they could get something agreed to. The final passage and adoption of the constitution completely defeated the views of the combination, and saved us from an attempt to establish a government over us by force. This fact throws a blaze of light on the conduct of several members from New York and the eastern States in the convention of Annapolis, and the grand convention. At that of Annapolis, several eastern members most vehemently opposed Madison's proposition for a more general convention, with more general powers. They wished things to get more and more into confusion, to justify the violent measure they proposed. The idea of establishing a government by rea-

soning and agreement, they publicly ridiculed as an Utopian project, visionary and unexampled.

One of the Secretaries (says) that a resolution was formed to give no offence to any person who did not approve of the proceedings of the Executive, and that it was determined to recall Monroe whose conduct was not consonant with the views of the Executive. Davy said they expressed very hostile dispositions towards France, and he wished Logan to apprise Adet of it, who he observed was a good kind of man, ought to know it, and to put his government on their guard.

February 6th, 1798. Mr. Baldwin tells me, that in a conversation yesterday with Goodhue, on the state of our affairs, Goodhue said, "I'll tell you what, I 'have made up my mind on this subject; I would rather the old ship should go down than not;" (meaning the Union of the States.) Mr. Hillhouse coming up, "Well," says Mr. Baldwin, "I'll tell my old friend Hillhouse what you say;" and he told him. "Well," says Goodhue, "I repeat that I would rather the old ship should go down, if we are to be always kept pumping so." "Mr. Hillhouse," says Baldwin, "you remember when we were learning logic together at school, there was the case *categorical* and the case *hypothetical*. Mr. Goodhue stated it to me first as the case *categorical*. I am glad to see that he now changes it to the case *hypothetical*, by adding, 'if we are always to be kept pumping so.'" Baldwin went on then to remind Goodhue what an advocate he had been for our tonnage duty, (wanting to make it one dollar instead of fifty cents;) and how impatiently he bore the delays of Congress in proceeding to retaliate on Great Britain before Mr. Madison's pro-

positions came on; Goodhue acknowledged that his opinions had changed since that.

February 15th, 1798. I dined this day with Mr. Adams, (the President.) The company was large. After dinner I was sitting next to him, and our conversation was first on the enormous price of labor,* house rent, and other things. We both concurred in ascribing it chiefly to the floods of bank paper now afloat, and in condemning those institutions. We then got on the constitution; and in the course of our conversation he said, that no republic could ever last which had not a Senate, and a Senate deeply and strongly rooted, strong enough to bear up against all popular storms and passions; that he thought our Senate as well constituted as it could have been, being chosen by the legislatures; for if these could not support them, he did not know what could do it; that perhaps it might have been as well for them to be chosen by the State at large, as that would insure a choice of distinguished men, since none but such could be known to a whole people; that the only fault in our Senate was, that it was not durable enough; that hitherto, it had behaved very well; however, he was afraid they would give way in the end. That as to trusting to a popular assembly for the preservation of our liberties, it was the merest chimera imaginable; they never had any rule of decision but their own will; that he would as lieve be again in the hands of our old committees of safety, who made the law and executed it at the same time; that it had been observed by some writer, (I forget whom he named,) that anarchy did more mischief in one night, than ty-

* He observed, that eight or ten years ago, he gave only fifty dollars to a common laborer for his farm, finding him board and lodging. Now he gives ne hundred and fifty dollars, and even two hundred dollars to one. T. J.

ranny in an age; and that in modern times we might say with truth, that in France, anarchy had done more harm in one night, than all the despotism of their Kings had ever done in twenty or thirty years. The point in which he views our Senate, as the collossus of the constitution, serves as a key to the politics of the Senate, who are two-thirds of them in his sentiments, and accounts for the bold line of conduct they pursue.

March 1st. Mr. Tazewell tells me, that when the appropriations for the British treaty were on the carpet, and very uncertain in the lower House, there being at that time a number of bills in the hands of committees of the Senate, none reported, and the Senate idle for want of them, he, in his place, called on the committees to report, and particularly on Mr. King, who was of most of them. King said that it was true the committees kept back their reports, waiting the event of the question about appropriation; that if that was not carried, they considered legislation as at an end; that they might as well break up and consider the Union as dissolved. Tazewell expressed his astonishment at these ideas, and called on King to know if he had misapprehended him. King rose again and repeated the same words. The next day Cabot took an occasion in debate, and so awkward a one as to show it was a thing agreed to be done, to repeat the same sentiments in stronger terms, and carried further, by declaring a determination on their side to break up and dissolve the government.

March 11th. In conversation with Baldwin and Brown of Kentucky, Brown says that in a private company once, consisting of Hamilton, King, Madison, him-

self, and some one else making a fifth, speaking of the "*federal government*;" "Oh!" says Hamilton, "say the *federal monarchy*; let us call things by their right names, for a monarchy it is."

Baldwin mentions at table the following fact. When the bank bill was under discussion in the House of Representatives, Judge Wilson came in, and was standing by Baldwin. Baldwin reminded him of the following fact which passed in the grand convention. Among the enumerated powers given to Congress, was one to erect corporations. It was, on debate, struck out. Several particular powers were then proposed. Among others, Robert Morris proposed to give Congress a power to establish a national bank. Gouverneur Morris opposed it, observing that it was extremely doubtful whether the constitution they were framing could ever be passed at all by the people of America; that to give it its best chance, however, they should make it as palatable as possible, and put nothing into it not very essential, which might raise up enemies; that his colleague (Robert Morris) well knew that "a bank" was, in their State, (Pennsylvania,) the very watch-word of party; that *a bank* had been the great bone of contention between the two parties of the State from the establishment of their constitution, having been erected, put down, and erected again, as either party preponderated; that therefore, to insert this power, would instantly enlist against the whole instrument, the whole of the anti-bank party in Pennsylvania. Whereupon it was rejected, as was every other special power, except that of giving copyrights to authors, and patents to inventors; the general power of incorporating being whittled down to this shred. Wilson agreed to the fact.

Mr. Hunter of South Carolina, who lodges with

Rutledge (J. Rutledge, junior), tells me that Rutledge was explaining to him the plan they proposed to pursue as to war measures when Otis came in: Rutledge addressed Otis. Now, sir, says he, you must come forward with something liberal for the southern States, fortify their harbors, and build galleys, in order to obtain their concurrence. Otis said, we insist on convoys for our European trade, and *guarda costas*, on which condition alone we will give them galleys and fortifications. Rutledge observed, that in the event of war, McHenry and Pickering must go out; Wolcott, he thought, might remain, but the others were incapable of conducting a war. Otis said the eastern people would never abandon Pickering, he must be retained; McHenry might go. They considered together whether General Pinckney would accept the office of Secretary of War. They apprehended he would not. It was agreed in this conversation that Sewall had more the ear of the President than any other person.

March 12th. When the bill for appropriations was before the Senate, Anderson moved to strike out a clause recognizing (by way of appropriation) the appointment of a committee by the House of Representatives, to sit during their recess to collect evidence on Blount's case, denying they had power, but by a law, to authorize a committee to sit during recess. Tracy advocated the motion, and said, "We may as well speak out. The committee was appointed by the House of Representatives to take care of the British minister, to take care of the Spanish minister, to take care of the Secretary of State, in short, to take care of the President of the United States. They were afraid the President and Secretary of State would not perform the office of collecting evi-

dence faithfully; that there would be collusion, &c. Therefore, the House appointed a committee of their own. We shall have them next sending a committee to Europe to make a treaty, &c. Suppose that the House of Representatives should resolve, that after the adjournment of Congress, they should continue to sit as a committee of the whole House during the whole recess." This shows how the appointment of that committee has been viewed by the President's friends.

April 5th. Doctor Rush tells me he had it from Mrs. Adams, that not a scrip of a pen has passed between the late and present President since he came into office.

✓ *April 13th.* New instructions of the British government to their armed ships now appear, which clearly infringe their treaty with us, by authorizing them to take our vessels carrying produce of the French colonies from those colonies to Europe, and to take vessels bound to a blockaded port. See them in Brown's paper, of April the 18th, in due form.

The President has sent a government brig to France, probably to carry despatches. He has chosen as the bearer of these one Humphreys, the son of a ship carpenter, ignorant, under age, not speaking a word of French, most abusive of that nation, whose only merit is, the having mobbed and beaten Bache on board the frigate built here, for which he was indicted and punished by fine.

April 25th. At a dinner given by the bar to the federal judges, Chase and Peters; present about twenty-four lawyers, and William Tilghman in the chair, this toast was given, "Our *King* in old England." Observe

the double *entendre* on the word King. Du Ponceau, who was one of the bar present, told this to Tenche Coxe, who told me in presence of H. Tazewell. Dallas was at the dinner; so was Colonel Charles Sims, of Alexandria, who is here on a lawsuit *vs.* General Irving.

May 3d. The President some time ago appointed Steele, of Virginia, a commissioner to the Indians, and now Secretary of the Mississippi Territory. Steele was a Counsellor of Virginia, and was voted out by the Assembly because he turned tory. He then offered for Congress, and was rejected by the people. Then offered for the Senate of Virginia, and was rejected. The President has also appointed Joseph Hopkinson commissioner to make a treaty with the Oneida Indians. He is a youth of about twenty-two or twenty-three, and has no other merit than extreme toryism and the having made a poor song to the tune of the President's March.

January, 1799. In a conversation between Dr. Ewen and the President, the former said one of his sons was an aristocrat, the other a democrat. The President asked if it was not the youngest who was the democrat. "Yes," said Ewen. "Well," said the President, "a boy of fifteen who is not a democrat is good for nothing, and he is no better who is a democrat at twenty." Ewen told Hurt, and Hurt told me.

January 14th. Logan tells me that in his conversation with Pickering on his arrival, the latter abused Gerry very much; said he was a traitor to his country, and had deserted the post to which he was appointed;

that the French temporized at first with Pinckney, but found him too much of a man for their purpose. Logan observing, that notwithstanding the pacific declarations of France, it might still be well to keep up the military ardor of our citizens, and to have the militia in good order; "the militia," said Pickering, "the militia never did any good to this country, except in the single affair of Bunker Hill; that we must have a standing army of fifty thousand men, which being stationed in different parts of the continent, might serve as rallying points for the militia, and so render them of some service." In his conversation with Mr. Adams, Logan mentioned the willingness of the French to treat with Gerry. "And do you know why," said Mr. Adams. "Why, sir?" said Logan. "Because," said Mr. Adams, "they know him to have been an anti-federalist, against the constitution."

January 2d, 1800. Information from Tenche Coxe. Mr. Liston had sent two letters to the Governor of Canada by one Sweezy. He had sent copies of them, together with a third (original) by one Cribs. Sweezy was arrested (being an old horse thief), and his papers examined. T. Coxe had a sight of them. As soon as a rumor got out that there were letters of Mr. Liston disclosed, but no particulars yet mentioned, Mr. Liston suspecting that *Cribs* had betrayed him, thought it best to bring all his *three* letters, and lay them before Pickering, Secretary of State. Pickering thought them all very innocent. In his office they were seen by a Mr. Hodgden of New Jersey, commissary of military stores, and the intimate friend of Pickering. It happens that there is some land partnership between Pickering

Hodgden and Coxe, so that the latter is freely and intimately visited by Hodgden, who, moreover, speaks freely with him on political subjects. They were talking the news of the day, when Mr. Coxe observed that these intercepted letters of Liston were serious things; (nothing being yet out but a general rumor). Hodgden asked which he thought the most serious. Coxe said the second; (for he knew yet of no other). Hodgden said he thought little of any of them, but that the third was the most exceptionable. This struck Coxe, who, not betraying his ignorance of a third letter, asked generally what part of that he alluded to. Hodgden said to that wherein he *assured the Governor of Canada, that if the French invaded Canada, an army would be marched from these States to his assistance*. After this it became known that it was Sweezy who was arrested, and not Cribs; so that Mr. Liston had made an unnecessary disclosure of his third letter to Mr. Pickering, who, however, keeps his secret for him. In the beginning of the conversation between Hodgden and Coxe, Coxe happened to name Sweezy as the bearer of the letters. "That's not his name," says Hodgden (for he did not know that two of the letters had been sent by Sweezy also), "his name is Cribs." This put Coxe on his guard, and sent him to fishing for the new matter.

January 10th. Doctor Rush tells me that he had it from Samuel Lyman, that during the X Y Z Congress; the federal members held the largest caucus they ever had, at which he was present, and the question was proposed and debated, whether they should declare was ✓

against France, and determined in the negative. Lyman was against it.

He tells me that Mr. Adams told him, that when he came on in the fall to Trenton, he was there surrounded constantly by the opponents of the late mission to France. That Hamilton pressing him to delay it, said "Why, sir, by Christmas, Louis the XVIII will be seated on his throne." Mr. Adams, "By whom?" Hamilton, "By the coalition." Mr. Adams, "Ah! then farewell to the independence of Europe. If a coalition moved by the finger of England, is to give a government to France, there is an end to the independence of every country."

January 12th. General Samuel Smith says that Pickering, Wolcott, and McHenry, wrote a joint letter from Trenton to the President, then at Braintree, dissuading him from the mission to France. Stoddard refused to join in it. Stoddard says the instructions are such, that if the Directory have any disposition to reconciliation, a treaty will be made. He observed to him, also, that Ellsworth looks beyond this mission to the Presidential chair. That with this view, he will endeavor to make a treaty, and a good one. That Davie has the same vanity and views. All this communicated by Stoddard to S. Smith.

January 13th. Baer and Harrison G. Otis told J. Nicholas, that in the caucus mentioned ante 10th, there wanted but five votes to produce a declaration of war. Baer was against it.

January 19th. W. C. Nicholas tells me, that in a conversation with Dexter three or four days ago, he asked

Dexter whether it would not be practicable for the States to agree on some uniform mode of choosing electors of President. Dexter said, "I suppose you would prefer an election by districts." "Yes," said Nicholas, "I think it would be best, but would nevertheless agree to any other consistent with the constitution." Dexter said he did not know what might be the opinion of his State, but his own was, that no mode of *election* would answer any good purpose; that he should prefer one *for life*. "On that reasoning," said Nicholas, "you should prefer an hereditary one." "No," he said, "we are not ripe for that yet." "I suppose," added he, "this doctrine is not very popular with you." "No," said Nicholas, "it would effectually damn any man in my State." "So it would in mine," said Dexter; "but I am under no inducement to belie my sentiment, I have nothing to ask from anybody; I had rather be at home than here, therefore I speak my sentiments freely." Mr. Nicholas, a little before or after this, made the same proposition of a uniform election to Ross, who replied that he saw no good in any kind of election.

"Perhaps," said he, "the present one may last awhile." On the whole, Mr. Nicholas thinks he perceives in that party, a willingness and a wish to let everything go from bad to worse, to amend nothing, in hopes it may bring on confusion, and open a door to the kind of government they wish. In a conversation with Gunn, who goes with them, but thinks in some degree with us, Gunn told him that the very game which the minority of Pennsylvania is now playing with McKean, (see substitute of minority in lower House, and address of Senate in upper), was meditated by the same party in the federal government in case of the election of a republican President; and that the eastern States would in that case throw things

into confusion, and break the Union. That they have in a great degree got rid of their paper, so as no longer to be creditors, and the moment they cease to enjoy the plunder of the immense appropriations now exclusively theirs, they would aim at some other order of things.

January 24th. Mr. Smith, a merchant of Hamburg, gives me the following information. The St. Andrew's Club of New York, (all of Scotch tories,) gave a public dinner lately. Among other guests, Alexander Hamilton was one. After dinner, the first toast was, "The President of the United States." It was drunk without any particular approbation. The next was, "George the Third." Hamilton started up on his feet, and insisted on a bumper and three cheers. The whole company accordingly rose and gave the cheers. One of them, though a federalist, was so disgusted at the partiality shown by Hamilton to a foreign sovereign over his own President, that he mentioned it to a Mr. Schwartzhouse, an American merchant of New York, who mentioned it to Smith.

Mr. Smith also tells me, that calling one evening on Mr. Evans, then Speaker of the House of Representatives of Pennsylvania, and asking the news, Evans said Harper had been just there, and speaking of the President's setting out to Braintree, said, "he prayed to God that his horses might run away with him, or some other accident happen to break his neck before he reached Braintree." This was indignation at his having named Murray, &c., to negotiate with France. Evans approved of the wish.

February 1st. Doctor Rush tells me that he had it from Asa Green, that when the clergy addressed General

Washington on his departure from the government, it was observed in their consultation, that he had never, on any occasion, said a word to the public which showed a belief in the Christian religion, and they thought they should so pen their address, as to force him at length to declare publicly whether he was a Christian or not. They did so. However, he observed, the old fox was too cunning for them. He answered every article of their address particularly except that, which he passed over without notice. Rush observes, he never did say a word on the subject in any of his public papers, except in his valedictory letter to the Governors of the States, when he resigned his commission in the army, wherein he speaks of "the benign influence of the Christian religion."

I know that Gouverneur Morris, who pretended to be in his secrets and believed himself to be so, has often told me that General Washington believed no more of that system than he himself did.

March, 1800. Heretical doctrines maintained in Senate, on the motion against the Aurora. That there is in every legal body of men a right of self-preservation, authorizing them to do whatever is necessary for that purpose: by Tracy, Read, and Lawrence.

That the common law authorizes the proceeding proposed against the Aurora, and is in force here: by Read.

That the privileges of Congress are and ought to be indefinite: by Read.

Tracy says, he would not say exactly that the common law of England in all its extent is in force here; but common sense, reason and morality, which are the foundations of the common law, are in force here, and establish a common law. He held himself so nearly half way

between the common law of England and what everybody else has called natural law, and not common law, that he could hold to either the one or the other, as he should find expedient.

Mar. 10, 1800. Woodbury Langdon proposes the following changes:

Lylley the present marshal to be removed: a violent inveterate tory appointed by the influence of Rogers, former marshal. Has lately appointed a high toned federalist for his deputy. William Simmonds recommended in his place by John and Woodbury Langdon.

Rogers the supervisor to be removed. He was a violent revolutionary tory. He was the ringleader of the sixteen towns on Connecticut River, who were prevailed on to join Vermont in going over to the British. He has spent half his time in electioneering activity. Still mounts and glories in an enormous cockade.

Nathaniel Folsome to be naval officer vice Edward St. Loe. Livermore.

March 11th. Conversing with Mrs. Adams on the subject of the writers in the newspapers, I took occasion to mention that I never in my life had, directly or indirectly, written one sentence for a newspaper; which is an absolute truth. She said that Mr. Adams, she believed, had pretty well ceased to meddle in the newspapers, since he closed the pieces on Davila. This is the first direct avowal of that work to be his, though long and universally understood to be so.

Mr. Douse of Dedham in Massachusetts, of which town Fisher Ames is, corrects information I had formerly received of the very great fortune made by Ames by speculating in the funds. He believes he did a great deal for

his friends Gore and Mason; but that his own capital was so small that he could not do much for himself. He supposes him worth at present about 30,000 dollars, some of which, he doubts not, was made while in the legislature, by speculation; but that he has a practice at the bar worth about 1000 pounds a year lawful, and living frugally he lays by some of that. A great deal of his capital has been absorbed by building a very elegant house. He says he is a man of the most irritable and furious temper in the world; a strong monarchist.

March 11th. The jury bill before the Senate. Mr. Read says that if from any circumstance of inaptitude the marshal cannot appoint a jury analogously with the state juries, the common law steps in and he may name them according to that. And *Mar. 12.* Same bill. Mr. Chipman speaking of the case of Vermont where a particular mode of naming jurors was in force under a former law of that state, when the law of the United States passed declaring that juries shall be appointed in their courts in the several states in the mode now in use in the same state. Vermont has since altered their mode of naming them. Mr. Chipman admits the federal courts cannot adopt the new mode, but in that case he says their marshal may name them according to the rules of the common law. Now observe that that is a part of the common law which Vermont had never adopted, but on the contrary had made a law of their own, better suited to their circumstances.

March 14th. Freneau, in Charleston, had the printing of the laws in his paper. He printed a pamphlet of Pinckney's letters on Robbins' case. Pickering has given the printing of the laws to the tory paper of that

place, though not of half the circulation. The printing amounted to about one hundred dollars a year.

Mar. 19. Same subject. Dexter maintained that the common law as to crimes is in force in the courts of the United States.

Chipman says that the principles of common right are common law. And he says the common law of England is in force here. There being no law in Vermont for appointing juries which the Marshal can follow, he says he may appoint them as provided by the common law of England though that part of the common law was never adopted in Vermont.

March 21. Mr. John Marshall has said here that had he not been appointed Minister to France he was desperate in his affairs, and must have sold his estate and that immediately. That that appointment was the greatest god-send that could ever have befallen a man. I have this from J. Brown and S. T. Mason.

March 24th. Mr. Perez Morton of Massachusetts tells me that Thatcher, on his return from the war-Congress, declared to him he had been for a declaration of war against France, and many others also; but that on counting noses they found they could not carry it, and therefore did not attempt it.

March 27th. Judge Breckenridge gives me the following information. He and Mr. Ross were originally very intimate; indeed, he says, he found him keeping a little Latin school, and advised and aided him in the study of law, and brought him forward. After Ross became a Senator, and particularly at the time of the west-

ern insurrection, they still were in concert. After the British treaty, Ross on his return, informed him there was a party in the United States who wanted to overturn the government, who were in league with France; that France, by a secret article of treaty with Spain was to have Louisiana; and that Great Britain was likely to be our best friend and dependence. On this information, he, Breckenridge, was induced to become an advocate for the British treaty. During this intimacy with Ross, he says, that General Collet, in his journey to the western country, called on him, and he frequently led Breckenridge into conversations on their grievances under the government, and particularly the western expedition; that he spoke to him of the advantages that country would have in joining France when she should hold Louisiana; showed him a map he had drawn of that part of the country; pointed out the passes in the mountain, and the facility with which they might hold them against the United States, and with which France could support them from New Orleans. He says, that in these conversations, Collet let himself out with common prudence. He says, Michaud, (to whom I, at the request of Genet, had given a letter of introduction to the Governor of Kentucky as a botanist, which was his real profession,) called on him; that Michaud had a commissary's commission for the expedition, which Genet had planned from that quarter against the Spaniards; that ——, the late Spanish commandant of St. Genevieve, with one Powers, an Englishman, called on him. That from all these circumstances, together with Ross' stories, he did believe that there was a conspiracy to deliver our country, or some part of it at least, to the French; that he made notes of what passed between himself and Collet and the others, and lent them to Mr. Ross, who

gave them to the President, by whom they were deposited in the office of the Board of War; that when he complained to Ross of this breach of confidence, he endeavored to get off by compliments on the utility and importance of his notes. They now cooled towards each other; and his opposition to Ross' election as Governor has separated them in truth, though not entirely to appearance.

Doctor Rush tells me, that within a few days he has heard a member of Congress lament our separation from Great Britain, and express his sincere wishes that we were again dependent on her.

April 29, 1800. Jury bill under consideration.

Mr. Dexter and Hillhouse and Mr. Read insisted in the fullest and most explicit terms that the common law of England is in force in these states and may be the rule of adjudication in all cases where the laws of the United States have made no provision.

Mr. Livermore seemed to urge the same, though he seemed to think that in *criminal cases* it might be necessary to adopt by an express law.

Mr. Tracy was more reserved on this occasion. He only said that Congress might by a law adopt the provisions of the common law on any subject, by a reference to that, without detailing the particulars; as in this bill it was proposed that the marshals should summon juries according to the practice of the common law.

December 23, 1800. Major Wm. Munson, bearer of the Connecticut votes, recommended by Pierre Edwards as a good Whig, he is surveyor of the () of New Haven, was a good officer in the revolutionary war.

He says that about a twelvemonth ago the Marshal

of that state turned out his deputy Marshal, because he summoned some republicans on the grand jury. It seems the Marshal summons the juries for the Federal courts.

See a letter from Governor McKean on the conduct of General Hand, Robert Coleman, and Henry Miller, supervisors for Pennsylvania while their legislature were on the appointment of Electors.

Doctor Jarvis of Boston is a man of abilities, a firm Whig, but passionate, hot-headed, obstinate and impliant.

Doctor Eustis is of equal abilities, amiable and almost too accommodating, was once rather a trimmer, and was forced by the Federalists to become decided against them. Ex relatione Baldwin.

Colonel Hitchburn's account is different, that Eustis is superficial and Jarvis completely profound.

New Hampshire. Sherburne an able lawyer, republican and honest.

South Carolina. There is a () Ramsay, son of Dr. Ramsay, a judge of a state court, a good lawyer, of excellent private character, eminent abilities, much esteemed and *republican*. His character from General Sumpter. The father is also republican.

Hamilton and *Doyley* of South Carolina, attached to the state treasury, good republicans.

Brockhurst Livingston, very able, but ill-tempered, selfish, unpopular.

Dewitt Clinton, very able, good, rich and lazy, very firm, does not follow any profession. Married Osgood's daughter-in-law.

Thomas Sumter, son of General Sumter, South Carolina. A man of solid understanding. Writes correctly. Seems discreet and virtuous, follows no profession.

Harrison, of Carlisle. General Hanna tells me he is as able a lawyer as any in Pennsylvania and a zealous republican.

December 25th, 1800. Colonel Hitchburn thinks Dr. Eustis' talents specious and pleasing, but not profound. He tells me what Col. Monroe had before told me of, as coming from Hitchburn. He was giving me the characters of persons in Massachusetts. Speaking of Lowell, he said he was, in the beginning of the Revolution, a timid whig, but as soon as he found we were likely to prevail, he became a great office hunter. And in the very breath of speaking of Lowell, he stopped: says he, I will give you a piece of information which I do not venture to speak of to others. There was a Mr. Hale in Massachusetts, a reputable, worthy man, who becoming a little embarrassed in his affairs, I aided him, which made him very friendly to me. He went to Canada on some business. The Governor there took great notice of him. On his return, he took occasion to mention to me that he was authorized by the Governor of Canada to give from three to five thousand guineas each to himself and some others, to induce them, not to do anything to the injury of their country, but to befriend a good connection between England and it. Hitchburn said he would think of it, and asked Hale to come and dine with him to-morrow. After dinner he drew Hale fully out. He told him he had his doubts, but particularly, that he should not like to be alone in such a business. On that, Hale named to him four others who were to be engaged, two of whom, said Hitchburn, are now dead, and two living. Hitchburn, when he had got all he wanted out of Hale, declined in a friendly way. But he observed those four men, from that moment, to es-

pouse the interests of England, in every point and on every occasion. Though he did not name the men to me, yet as the speaking of Lowell was what brought it to his head to tell me this anecdote, I concluded he was one. From other circumstances respecting Stephen Higginson, of whom he spoke, I conjectured him to be the other living one.

December 26th. In another conversation, I mentioned to Colonel Hitchburn, that though he had not named names, I had strongly suspected Higginson to be one of Hale's men. He smiled and said, if I had strongly suspected any man wrongfully from his information, he would undeceive me; that there were no persons he thought more strongly to be suspected himself, than Higginson and Lowell. I considered this as saying they were the men. Higginson is employed in an important business about our navy.

February 12th, 1801. Edward Livingston tells me, that Bayard applied today or last night to General Samuel Smith, and represented to him the expediency of his coming over to the States who vote for Burr, that there was nothing in the way of appointment which he might not command, and particularly mentioned the Secretaryship of the Navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston, and to W. C. Nicholas who confirms it to me. Bayard in like manner tempted Livingston, not by offering any particular office, but by representing to him his, Livingston's, intimacy and connection with Burr; that from him he had every-

thing to expect, if he would come over to him. To Doctor Linn of New Jersey, they have offered the government of New Jersey. See a paragraph in Martin's Baltimore paper of February the 10th, signed, "A LOOKER ON," stating an intimacy of views between Harper and Burr.

February 14th. General Armstrong tells me, that Gouverneur Morris, in conversation with him today on the scene which is passing, expressed himself thus. "How comes it," says he, "that Burr who is four hundred miles off, (at Albany,) has agents here at work with great activity, while Jefferson, who is on the spot, does nothing?" This explains the ambiguous conduct of himself and his nephew, Lewis Morris, and that they were holding themselves free for a prize; *i. e.*, some office, either to the uncle or nephew.

February 16th. See in the Wilmington Mirror of February the 14th, Mr. Bayard's elaborate argument to prove that the common law, as modified by the laws of the respective States at the epoch of the ratification of the constitution, attached to the courts of the United States.

Mar. 8, 1801. New Hampshire. Restore Whipple and Gardner, Collector, and Commissioner of loans.

(Change no other except the recent (?) Livermore, naval officer, to be removed by and by, and George Wentworth to be put in his place.

Massachusetts. Change only the new District Attorney, viz. George Blake for Otis.

Maine. Parker, Marshal, to be removed by and by,

a very violent and influential and industrious federal put in not very fairly.

Davis the Attorney is expected to resign, and Silas Lee must be put in his place.

John Lee, Collector of Penobscot, brother of Silas, a refugee, a royalist, and very violent.

To be removed when we appoint his brother Attorney.

Connecticut. Mr. Lincoln to consult Edwards, Jr., as to removing Goodrich.

Vermont. Marshal and Attorney to be removed immediately. John Willard of Addison County to be Marshal. Fay rather approved for Attorney.

New York. Postponed.

Jersey. Propose to Linn to accept Attorney's place vice Frelinghuysen. Mr. Gallatin will write. Oliver Barnet to be Marshal when Lowry resigns.

Turn out the tory collector, an atrocious appointment.

Pennsylvania. Hall to be removed. Shee to be appointed. No, see Bulkley. George Reinhart to be keeper of public stores vice Harris.

General William Irvine to be superintendent military stores vice Hodgson.

Peter Muhlenberg supervisor vice General Henry Miller, but not till after May.

Dallas, Attorney of E. district.

Hamilton do. of W. district.

Presley Car Lane marshal of W. district, vice Barclay, new appointment.

Delaware. The Collector McLane to be retained. Enquire as to Marshal and Collector.

Maryland. Hopkins, Marshal to be removed, and Reuben Etting to be appointed.

Also Zeb(ediah) Hollingsworth and John Scott to be appointed.

Virginia. D. Randolph to be removed. Scott to be appointed.

South Carolina. Adopt C. Pinckney's nominations, but take time till after session of Congress 1801-2.

Georgia. Only the collector to be questioned. Supposed a delinquent. Richard Wyley to be in his place; he is now loan officer.

Kentucky. Colonel Joseph Crocket vice McDowell as Marshal, but wait proofs of extortion.

General rule. Remove no collectors till called on for account that as many may be removed as defaulters as are such.

Present Gallatin, Dearborne, Lincoln.

Mar. 8. On application from an old Col. Wafford presented by Mr. Baldwin, he was settled near the Cherokee line, but supposed on our side, on running it however he was left on their side, some other families in the same situation: approved of General Dearborne's writing to Hawkins to negotiate for their quiet, and that we will within two or three months take up the subject and give him final instructions.

Mar. 9. Prosecutions under Sedition Law. Remit the fines and enter nolle prosequere in the prosecution depending under that law, to wit, Callendar and Brown are in execution. Duane and ——— under prosecution.

Present as before.

Mr. Lincoln to consult Edward Granger Kirby Walcott as to Goodrich's commission.

Dawson to have six dollars a day.

Two frigates to cruise in West Indies, two in the Mediterranean, two at Isle of Bourbon.

Sign the duty proposed by Commissioners of Washington, continuing permission to build houses in certain forms.

May 15, 1801. Shall the squadron now at Norfolk be ordered to cruise in the Mediterranean. What shall be the object of the cruise.

Lincoln. Our men of war may repel an attack on individual vessels, but after the repulse, may not proceed to destroy the enemy's vessels generally.

Gallatin. To declare war and to make war is synonymous. The Executive can not put us in a state of war, but if we be put into that state either by the decree of Congress or of the other nation, the command and direction of the public force then belongs to the Executive.

Smith. If a nation commences war, the Executive is bound to apply the public force to defend the country.

Dearborne. The expedition should go forward openly to protect our commerce against the threatened hostilities of Tripoli.

Madison. That the cruise ought to be undertaken, and the object openly declared to every nation. All concur in the expediency of cruise.

Whether the Captains may be authorized, if war exists, to search for and destroy the enemy's vessels wherever they can find them? All except Mr. L. agree they should; M. G. and S. think they may *pursue* into the harbors, but M. that they may not *enter* but in pursuit.

A letter to the Bey of Tripoli by the President; *send a year's* tribute in form of stores by a ship. Send 30,000 dollars by frigates on the idea that the commutation of stores to money has been settled.

May 16. Murder committed by Moorhead and Little, British subjects, on a person within the limits of the United States.

The case of Governor Pinckney and Queseda is quoted. Also the demand by Mr. Liston of Secretary Pickering contra.

Unanimous not to demand the accessories to the murder.

But the murderers to be demanded.

Governor Serjeant not to be re-appointed—unanimous.

May 17. Treaty proposed with Cherokees. Agreed unanimously.

Object. 1. To obtain the lands between Sumner and Mero district offering as far as an annuity of 1000 dollars and a sum in gross not exceeding 5000 dollars.

2. If not obtainable, then buy all the accommodations on the road between the two districts at such sum in gross as the Commissioners think fit.

To treat with Chickasaws. 1. To buy their lands north of Kentucky boundary.

2. To obtain road and houses of accommodation for travellers from Tennessee towards Natchez, but if treaties for the lands is offensive to Chickasaws, then confine their proposition to the road. Price discretionary in Commissioners.

To treat with Choctaws for road, price discretionary. They also to fix on the three trading posts reserved in our former treaties to treat with the Creeks. 1. For the purchase of the Talassee county.

2. For the fork of Oakmulgee and Owney, but all instruction and further decision as to this to be postponed till we take up the Treaty with Georgia, a letter

to be written to the Georgia Commissioners to know if they will cede the Mission territory in exchange for Talassee and Oakmulgee Fork.

Davie, Wilkinson and Hawkins.

Suppress the Missions to the United Netherlands, Portugal and Prussia.

Send none to Denmark.

Removals. All recent to be considered as mere avenues.

Marshals and Attorneys to be removed where federal, except in particular cases.

New Hampshire. The Marshal, though a Federalist ought not to be removed because of his connexions.

Sherburne to be attorney vice Livermore.

Maine. Davis to be removed as he will not resign. He is violent.

Massachusetts. Not change the Marshal though Federal, he is moderate and prudent and will be republican.

Rhode Island. If Barnes accepts commission of Judge, Mr. Lincoln will enquire and recommend attorney or judge.

Connecticut. Enoch Parsons to be Marshal.

Delaware. Hamilton, Marshal, to be removed, enquire for substitute.

Read, Attorney, to be continued.

Maryland. Hollingsworth not to be removed till after September.

He is incapable.

Customs.

The Collector vice John Lee. Wait for further information.

Samuel Bishop, Collector at New Haven.

Alexander Wolcott, Collector at Middletown.

New Jersey. John Hurd to be Collector of the port of Amboy vice Bell.

Excise.

Committed Kirby vice John Chester.

June 13. At a meeting with the four secretaries at the Secretary of State's office. Unanimously agreed that Mr. King shall be informed that we desire he should conclude the negotiations on the subject of the Sixth Article, as he had begun under former orders, for the sum in gross which he has offered, to wit, 506 thousand pounds sterling and no more. Afterwards agreed to 600,000 because King had offered it.

June 23d, 1801. Andrew Ellicot tells me, that in a conversation last summer with Major William Jackson of Philadelphia, on the subject of our intercourse with Spain, Jackson said we had managed our affairs badly; that he himself was the author of the papers against the Spanish minister signed Americanus; that his object was irritation; that he was anxious, if it could have been brought about, to have plunged us into a war with Spain, that the people might have been occupied with that, and not with the conduct of the administration, and other things they had no business to meddle with.

October 22. Present four Secretaries. Captains of navy reduced from 15 to 9, by a vote on each man struck off. Those struck off are Mr. Niel of Boston, Decatur of Pennsylvania, Rogers of Maryland, Tingey of Columbia, S. Barron of Virginia,* Campbell from South Carolina, but a northern man. The retained are Nicholson and

* On the resignation of Truxton, J. Barron is retained, and on that of Preble, Campbell is retained: he is a South Carolinian by birth. T. J.

Preble of Maryland, Morris and Bainbridge of New York, Truxton of Jersey, Barry, Delaware and Murray of Pennsylvania, and James Barron of Virginia.

A state of the gallies to be called for and be ready for sale at meeting of Congress unless contrary determined.

Spain to be addressed in a firm but friendly tone on the depredations at Algiers. Not to order convoys for our vessels against Spain.

November 11. Present the four Secretaries. Question, Shall Rogers be removed in New York? Unanimous to let lie till Congress.

Question. Whether we shall proclaim the French treaty or wait and lay it before the Senate? Unanimous not to proclaim but to say to Pichon we will go on with the examination.

January 18, 1802. Present the four Secretaries and Attorney General. Agreed to offer peace to Tripoli on easiest terms, to continue tribute to Algiers, to send two frigates and schooner immediately. If war with Tripoli continues, two frigates there constantly and one for relief, 400,000 dollars to be appropriated for the whole naval business of the year, including navy yards on which little is to be done, and 500,000 dollars to pay contracts due and becoming due this year. Execution of French treaty to be retained by Executive.

October 21, 1802. Present, the four Secretaries. 1. What force shall be left through the winter in the Mediterranean?

2. What negotiations, what presents shall be proposed to Morocco?

Answer. 1. The two largest frigates, *President* and *Chesapeake*, the time of whose men is out in December, ought to be called home immediately.

The two best frigates, the *New York* and *John Adams*, which are smallest also, and the men engaged till August next, to remain through the winter, even if peace be made with *Triopli*.

The *Adams* whose times are up in April, to remain through the winter, or come away according to appearances with Morocco.

Answer 2. Forbid *Simpson* to stipulate any presents, or payments at fixed periods, but allow him to go as far as 20,000 dollars to obtain a firm establishment of the state of peace with Morocco.

Shall the expenses of transporting our abandoned seamen home, by the Consul (?) *Lee*, be paid by us and out of what fund?

Unanimously that it must be paid and out of the contingent fund of 20,000 dollars.

April 8, 1803. Present four Secretaries and Attorney General.

1. Is there sufficient ground to recall *Morris* and institute inquiry into his conduct? Unanimous, not.

2. Shall *Morris* be ordered home in the returning vessel and leave some other officer in command? Unanimous, not.

3. Shall the return of the *Chesapeake* and *Adams* be countermanded till the four small vessels arrive? Unanimous not. Will be too late.

4. Shall we buy peace of Tripoli? Unanimous, yes.

5. By a sum in gross or a tribute?

Gallatin, Dearborne, Lincoln for both, Madison and Smith for sum in gross and promise of renewing presents at times.

Dearborne, 50 and 8,000, Lincoln, 30 and 15,000, Madison, 10 and 5,000 with some margin, Gallatin, 20 and 10, Smith, 50 and 10.

Great Britain if repesg. our rights by France, forces us to overtures to England as an ally? on what conditions?

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| <p>1. Not to make a separate peace?</p> <p>2. To let her take Louisiana?</p> <p>3. Commercial privileges?</p> | <p>All reject the second and third conditions, Dearborne and Lincoln reject the first. The others agree to the first.</p> |
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Agreed to instruct our Ministers, as soon as they find that no arrangement can be made with France, to use all possible procrastinations with them and in the mean time enter into conferences with the British Government, through their ambassador at Paris, to fix principles of alliance, and leave us in peace till Congress meets, and prevent war till next spring.

May 7. Present four Secretaries and Attorney General.

On the supposition that war between England and France is commenced or whenever it shall commence.

1. Shall we issue a proclamation of neutrality? Unanimously, not.

Its object as to our citizens is unnecessary, to wit the informing them that they are to observe the duties of

neutrality, because the late instance is so recent as to be in their minds. As to foreign nations, it will be assuring them of our neutrality without price, whereas France may be willing to give New Orleans for it, and England to engage a just and respectful conduct.

2. Sea letters to be given even on the present apparent probability of war.

3. Customhouse officers to attend to the having our seamen furnished with certificates of citizenship in bonafide cases.

4. New Orleans, although no specific opinion is asked, because premature till we hear from our Ministers, see the complexion and probable course and duration of the war, yet the opinion seems to be that we must avail ourselves of this war to get it.

Whether, if negotiation fails, we shall take it directly or encourage a decline of independence and then enter into an alliance. We have time enough to consider. We all deprecate Great Britain's taking possession of it. We all agree we should not commit ourselves by a convention with France, accepting merely our right of deposit, or any improvement of it short of the sovereignty of the island of New Orleans, or a portion sufficient for a town to be located by ourselves.

July 16. Present the four Secretaries.

The cession of Louisiana being to be ratified by October 30, shall Congress be called, or only Senate, and when?

Answer unanimous, Congress on the 17th of October. A Proclamation to issue, a copy to be enclosed to every member in a letter from the Secretary of State mentioning that the call three weeks earlier than they had

fixed was rendered necessary by the treaty, and urging a punctual attendance on the first day.

The substance of the treaty to be made public, but not the treaty itself.

The Secretary of State to write to our Consul at New Orleans, communicating the substance of the treaty and calling his attention to the public property transferred to us, and to archives, papers and documents relative to domain and sovereignty of Louisiana and its dependencies. If an order should come for immediate possession, direct Governor Clayborne to go and take possession and act as Governor and Intendant under the Spanish laws, having everything to go on as heretofore, only himself performing functions of Governor and Intendant, but making no innovations, nor doing a single act which will bear postponing.

Order down two or more companies from Fort Adams and get the Spanish troops off as soon as possible. Write to Livingston and Monroe, approving their having treated for Louisiana and the price given, and to say we know of no reason to doubt ratification of the whole. Mr. Gallatin disapproves of this last as committing ourselves or the Congress. All the other points unanimous.

Edward Livingston to be removed from the office of Attorney for the United States in New York for malversation.

Mr. Madison not present at this last determination.

Monroe to be instructed to endeavor to purchase both Floridas if he can, West if he cannot East at the prices before agreed upon, but if neither can be procured, then to stipulate a plenary right to use all the rivers rising within our limits and passing through theirs. If he should not be gone to Madrid leave it discretionary in him to go there, or to London or to stay at Paris as cir-

cumstances shall appear to him to require. We are more indifferent about pressing the purchase of the Floridas, because of the money we have to provide for Louisiana, and because we think they cannot fail to fall into our hands.



October 4. Present Secretaries of State, Treasury, War.

Will it be advisable for forcible possession of New Orleans to be taken, if refused. Unanimous, it will. Should we now prepare force so as to have it ready the moment Congress authorizes it? Unanimous, it will.

What force? Four hundred regulars from Fort Adams, 100 regulars from Chickasaw Bluffs and *Massac*, 500 militia of Mississippi territory, boatmen and sailors.



December 13th, 1803. The Reverend Mr. Coffin of New England, who is now here soliciting donations for a college in Greene county, in Tennessee, tells me that when he first determined to engage in this enterprise, he wrote a paper recommendatory of the enterprise, which he meant to get signed by clergymen, and a similar one for persons in a civil character, at the head of which he wished Mr. Adams to put his name, he being then President, and the application going only for his name, and not for a donation. Mr. Adams, after reading the paper and considering, said "he saw no possibility of continuing the union of the States; that their dissolution must necessarily take place; that he therefore saw no propriety in recommending to New England men to promote a literary institution in the South; that it was in fact giving strength to those who were to be their enemies; and, therefore, he would have nothing to do with it."

December 31st. After dinner to-day, the pamphlet on the conduct of Colonel Burr being the subject of conversation, Matthew Lyon noticed the insinuations against the republicans at Washington, pending the Presidential election, and expressed his wish that everything was spoken out which was known; that it would then appear on which side there was a bidding for votes, and he declared that John Brown of Rhode Island, urging him to vote for Colonel Burr, used these words: "What is it you want, Colonel Lyon? Is it office, is it money? Only say what you want, and you shall have it."

January 2d, 1804. Colonel Hitchburn of Massachusetts, reminding me of a letter he had written me from Philadelphia, pending the Presidential election, says he did not therein give the details. That he was in company at Philadelphia with Colonel Burr and Gen. Sam Smith, (when the latter took his trip there to meet Burr, and obtained the famous letter from him), that in the course of the conversation on the election, Colonel Burr said, "we must have a President, and a constitutional one, in some way." "How is it to be done," says Hitchburn; "Mr. Jefferson's friends will not quit him, and his enemies are not strong enough to carry another." "Why," says Burr, "our friends must join the federalists, and give the President." The next morning at breakfast, Colonel Burr repeated nearly the same, saying, "we cannot be without a President, our friends must join the federal vote." "But," says Hitchburn, "we shall then be without a Vice-President; who is to be our Vice-President?" Colonel Burr answered, "Mr. Jefferson."

January 26th. Colonel Burr, the Vice-President, calls on me in the evening, having previously asked an opportunity of conversing with me. He began by recapitulating summarily, that he had come to New York a stranger, some years ago; that he found the country in possession of two rich families (the Livingstons and Clintons); that his pursuits were not political, and he meddled not. When the crisis, however, of 1800 came on, they found their influence worn out, and solicited his aid with the people. He lent it without any views of promotion. That his being named as a candidate for Vice-President was unexpected by him. He acceded to it with a view to promote my fame and advancement, and from a desire to be with me, whose company and conversation had always been fascinating to him. That since, those great families had become hostile to him, and had excited the calumnies which I had seen published. That in this Hamilton had joined, and had even written some of the pieces against him. That his attachment to me had been sincere, and was still unchanged, although many little stories had been carried to him, and he supposed to me also, which he despised; but that attachments must be reciprocal or cease to exist, and therefore he asked if any change had taken place in mine toward him; that he had chosen to have this conversation with myself directly, and not through any intermediate agent. He reminded me of a letter written to him about the time of counting the votes, (say February, 1801,) mentioning that his election had left a chasm in my arrangements; that I had lost him from my list in the administration, &c. He observed, he believed it would be for the interest of the republican cause for him to retire; that a disadvantageous schism would otherwise take place; but that were he to retire, it

would be said he shrank from the public sentence, which he never would do; that his enemies were using my name to destroy him, and something was necessary from me to prevent and deprive them of that weapon, some mark of favor from me which would declare to the world that he retired with my confidence.

I answered by recapitulating to him what had been my conduct previous to the election of 1800. That I had never interfered directly or indirectly with my friends or any others, to influence the election either for him or myself; that I considered it as my duty to be merely passive, except that, in Virginia, I had taken some measures to procure for him the unanimous vote of that State, because I thought any failure there might be imputed to me. That in the election now coming on, I was observing the same conduct, held no councils with anybody respecting it, nor suffered any one to speak to me on the subject, believing it my duty to leave myself to the free discussion of the public; that I do not at this moment know, nor have ever heard, who were to be proposed as candidates for the public choice, except so far as could be gathered from the newspapers. That as to the attack excited against him in the newspapers, I had noticed it but as the passing wind; that I had seen complaints that Cheetham, employed in publishing the laws, should be permitted to eat the public bread and abuse its second officer; that as to this, the publishers of the laws were appointed by the Secretary of the State, without any reference to me; that to make the notice general, it was often given to one republican and one federal printer of the same place; that these federal printers did not in the least intermit their abuse of me, though receiving emoluments from the governments and that I had never thought it proper to interfere for

myself, and consequently not in the case of the Vice-President. That as to the letter he referred to, I remembered it, and believed he had only mistaken the date at which it was written; that I thought it must have been on the first notice of the event of the election of South Carolina; and that I had taken that occasion to mention to him, that I had intended to have proposed to him one of the great offices, if he had not been elected; but that his election in giving him a higher station had deprived me of his aid in the administration. The letter alluded to was, in fact, mine to him of December 15th, 1800. I now went on to explain to him verbally, what I meant by saying I had lost him from my list. That in General Washington's time, it had been signified to him that Mr. Adams, the Vice-President, would be glad of a foreign embassy; that General Washington mentioned it to me, expressed his doubts whether Mr. Adams was a fit character for such an office, and his still greater doubts, indeed his conviction, that it would not be justifiable to send away the person who, in case of his death, was provided by the constitution to take his place; that it would moreover appear indecent for him to be disposing of the public trusts, in apparently buying off a competitor for the public favor. I concurred with him in the opinion, and, if I recollect rightly, Hamilton, Knox, and Randolph were consulted and gave the same opinions. That when Mr. Adams came to the administration, in his first interview with me, he mentioned the necessity of a mission to France, and how desirable it would have been to him if he could have got me to undertake it; but that he conceived it would be wrong in him to send me away, and assigned the same reasons General Washington had done; and therefore, he should appoint Mr. Madison, &c. That I had myself contemplated his

(Colonel Burr's) appointment to one of the great offices, in case he was not elected Vice-President; but that as soon as that election was known, I saw it could not be done, for the good reasons which had led Gen. Washington and Mr. Adams to the same conclusion; and therefore, in my first letter to Colonel Burr, after the issue was known, I had mentioned to him that a chasm in my arrangements had been produced by this event. I was thus particular in rectifying the date of this letter, because it gave me an opportunity of explaining the grounds on which it was written, which were, indirectly, an answer to his present hints. He left the matter with me for consideration, and the conversation was turned to indifferent subjects. I should here notice, that Colonel Burr must have thought that I could swallow strong things in my own favor, when he founded his acquiescence in the nomination as Vice-President, to his desire of promoting my honor, the being with me, whose company and conversation had always been fascinating with him, &c. I had never seen Colonel Burr till he came as a member of Senate. His conduct very soon inspired me with distrust. I habitually cautioned Mr. Madison against trusting him too much. I saw afterwards, that under General Washington's and Mr. Adams's administrations, whenever a great military appointment or a diplomatic one was to be made, he came post to Philadelphia to show himself, and in fact that he was always at market, if they had wanted him. He was indeed told by Dayton in 1800, he might be Secretary at War; but this bid was too late. His election as Vice-President was then foreseen. With these impressions of Colonel Burr, there never had been an intimacy between us, and but little association. When I destined him for a high appointment, it was out of respect for the favor he had

obtained with the republican party, by his extraordinary exertions and successes in the New York election in 1800.

Feb. 18, 1804. Present the four Secretaries and Attorney General.

It is agreed we shall consider the settlement on the Mining from Iberville up to our line, as our territory as to importations and exportations through the Mississippi making Baton Rouge a port of delivery. So also as to what shall come through Pontchartrain that the Militia of Colour shall be confirmed in their ports and treated favorably till a better settled state of things shall permit us to let them neglect themselves.

That an intimation shall be given by Clayborne to Morales that his continuance in that territory is not approved by the Government.

That the remaining Spanish troops shall be desired to withdraw.

That Fort Stoddart shall be a port of entry. That Monroe shall be instructed to negotiate as to our lines with Spain, and the extension of territory.

Eastward, viz: 1.—To the Perdido. 2.—To Apalachicola. 3.—All East Florida. That according to the greater or less extent he may give of the following equivalents. 1. Relinquish our right from the Rio Bravo, eastwardly towards the Mexican river. 2. Stipulate that a band of country of given breadth shall be established between our white settlements to be unsettled by either party for a term of years. 3. One million dollars. As to Stevens's accounts, opinions seem not to be satisfactorily formed except by Mr. Gallatin that there is no fund applicable, and Mr. Madison that the foreign intercourse fund is applicable; with this last I concur.

May 26. Present the Secretaries and Attorney General. What terms of peace with Tripoli shall be agreed to? If successful, insist on their delivering up men without ransom, and re-establishing old treaty without paying anything. If unsuccessful, rather than have to continue the war, agree to give 500 dollars a man (having first deducted for the prisoners we have taken) and the sum in gross and tribute before agreed on. Shall anything be furnished to the Ex-Bashaw to engage co-operation? Unanimously 20,000 dollars. Whether we shall prohibit our merchant vessels from arming to force a trade in St. Domingo as requested by Pichon? Unanimously not.

Oct. 8, 1804. Present the four Secretaries. Yrujo's and C. Pinckney's communications submitted.

Cevallos' first condition as to giving time for commencement of commission. All agree we may fix a day with Yrujo not exceeding 6 months hence, say nothing which shall weaken our claims under the sixth article and repeat the explanation of the fourth and eleventh articles of the Act of Congress already given him and communicate the Act of the President defining the district.

A letter to be written to Yrujo on the impropriety of his publishing his letter to the Secretary of State.

Jan. 8, 1805. Indian affairs.

Sac murderer. Pardon him.

Osages. Their mill to be built.

The seceders under Le grande piste: persasn—not forcé.

Sioux. Sacs, Ayouas (Iowas). Receive their visit.

Commerce forts at Chickago and mouth of Ouisconsing to prevt. interlopers with nations bordering on us, the U. S. to carry it on. With distant nations let individuals.

License none but natives of American territory.

Permit no liquor.

Chamber's idea as to Choctaws of annl. paimt. in lands.

Little Turtle. Let a joint right to lands be proved and we will pay.

Tripoli.

New instrnts. Not to give a dollar for peace.

If the enterprise in the spring does not produce peace and delivery of prisoners, ransom them.

G. Britain—countervail their duty on exports by refusing entry to merchandise which has pd. a greater export duty coming here, than would have been paid going to any other for'n country. Countervail their prohbn to our vessels to carry our produce to their possns by not permittg their vessels to do it after the 21st of May, 1805.

Gov. Harrison's 1re Dec. 14. Property stolen by Indns.

Arrears to be pd. by public.

Hawkins Do. Dec. 15. Road thro Creeks to N. O.

Spanish alarm and proposns to Indians.

Feb. 21. Spanish movements to Adais, etc. Lanana, San Antonio. Turner to Claiborne. Cados, Paunies, send factory immediately. Court them.

Bayou Pierre, Spanish settlement on Red River, 70 miles above Natchitoches. Lanana, 40 miles from Mactchitoches.

Spaniards have taken post there—Casa Calvo and his guard to retire.

Louisiana bank.

Mounted infantry to scour disputed country.

Claiborne to have interview with Governor of Texas. Casacalvo?

Matta Gardo. Two Spanish regiments to be established there. (i. e. Bay of St. Bernard).

Cavalry and infantry from Mexico expected at St. Antonio.

A Governor with 3,000 men coming to Nacogdoches.

The present Commandant of Nacogdoches to take post at Adais.

Eleven hundred Seminoles invited to Pensacola by Governor.

Three regiments of 1500 men each expected from Havana for Pensacola, Mobile and *Plat R.* and 200,000 cavalry. Forts to be at Pascagoula and Pearl rivers.

One thousand families under the present governor of St. Antonio to come to Adais.

An officer and 100 dragoons have been taking a survey of Rio Guadeloupe.

Four regiments ordered for the frontier. (Nacogdoches).

Chamber's letter. The Spanish duties at Mobile to be submitted to till further orders.

Choctaws. Nannahubba island is ours.

July 8, 1805. Present the four Secretaries. Privateers are now blockading Charlestown, the capes of Chesapeake and Delaware and capturing vessels without the smallest pretext, merely because they are rich.

It is determined by unanimous consent (except Mr. Gallatin who dissents) that the vessels being some with-

out commissions, some with insufficient commissions and some doing what their commissions do not warrant all of which is within the definition of piracy and the Act of Congress authorizing us to keep 6 frigates in commission in time of peace with two-thirds their ordinary complement, and having authorized the building, equipping, etc., of two brigs without confining them to specific objects, we are authorized from this force to take what may be necessary to suppress these piracies, and, accordingly, that the Adams and the brig Hornet, building at Baltimore, shall be gotten ready and sent out and confined entirely to the suppression of these piracies on our Atlantic Coast, choosing prudent officers and giving cautious instructions.

There are funds sufficient and regularly appropriated to the fitting out, but, for manning, the proper funds are already exhausted. Consequently we must borrow from other funds, and state the matter to Congress. Our general opinion is that as soundings on our coast cease at the beginning of the gulf stream, we ought to endeavor to assume all the waters within the gulf stream as our waters so far as to exclude privateers from hovering within them.

Nov. 12, 1805. Present the four Secretaries, subject Spanish affairs.

The extension of the war in Europe leaving us without danger of a sudden peace, depriving us of the chance of an ally, I proposed that we should address ourselves to France, informing her that it was a last effort at amicable settlement with Spain, and offer to her or through her; 1. A sum of money for the rights of Spain east of Iberville, say the Floridas. 2. To cede the part of Louisiana from the Rio Bravo to the Guadaloupe. 3.

Spain to pay within a certain time spoiliations under her own flag agreed to by the convention (which we guess to be 100 vessels worth 2,000,000 dollars) and those subsequent (worth as much more) and to hypothecate to us for those payments the country from Guadaloupe to Rio Bravo.

Armstrong to be employed. The first was to be the exciting motive with France, to whom Spain is in arrears for subsidies, and who will be glad also to secure us from going into the scale of England. The second the soothing motive with Spain which France would press bona fide because she claimed to the Rio Bravo. The third to quiet our merchants—it was agreed to unanimously and the sum to be offered fixed not to exceed five million dollars.

Mr. Gallatin did not like purchasing Florida under an apprehension of war, lest we should be thought in fact to purchase peace. We thought this overweighed by taking advantage of an opportunity, which might not occur again, of getting a country essential to our peace, and to the security of the commerce of the Mississippi. It was agreed that Yrujo should be sounded through Dallas as to whether he is not going away, and if not, he should be made to understand that his presence at Washington, will not be agreeable and that his departure is expected.

Casacalvo, Morales and all the Spanish officers at New Orleans are to be desired to depart, with a discretion to Clayborne to let any friendly ones remain who will resign and become citizens; as also women receiving pensions to remain if they choose.

Nov. 19. Present the same.

Since our last meeting we have received a letter from General Armstrong containing Talleyrand's proposi-

tions, which are equivalent to ours nearly, except as to the sum, he requiring 7,000,000 dollars.

He advises that we alarm the fears of Spain by a vigorous language and conduct, in order to induce her to join us in appealing to the interference of the Emperor. We now agree to modify our propositions so as to accommodate them to his as much as possible. We agree to pay 5,000,000 dollars for the Floridas as soon as the treaty is ratified by Spain, a vote of credit obtained from Congress and orders delivered us for the surrender of the country.

We agree to his proposition that the Colorado shall be our Western boundary, and a belt of 30 leagues on each side of it to be kept unsettled. We agree that joint commissioners shall settle all spoliations and to take payment from Spain by bills on her colonies. We agree to say nothing about the French spoliations in Spanish ports which broke off the former convention. We propose to pay the 5,000,000 dollars after a simple vote of credit, by stock redeemable in three years, within which time we can pay it.

We agree to orders to the commanding officer at Natchitoches to patrol the country on this side the Sabine and all the Red river as being in our possession, except the settlement of Bayou Pierre which he is not to disturb unless they become aggressive. He is to protect our citizens and repel all invasions of the preceding country by Spanish soldiers, to take all offenders without shedding blood unless his orders cannot otherwise be executed.

Mar. 5, 1806. For particular instructions to Armstrong and Bowdoin relative to the purchase of the

Floridas from Spain, see my letter of this day to Mr. Madison.

Mar. 14. Present the four heads of departments and the Attorney General.

Tunis.—A letter received from their ambassador here, rejecting the offer of the return of the cruiser taken—including the blockade of Tripoli, or 4000 dollars, making vague demands and threatening war in direct terms. Unanimous opinion that he be answered that we do nothing under threats, and that he must take them back, or end negotiation with him and send either our Consul or Commodore to his sovereign to know if he means war. We further agreed that if he should take back his threats, we might agree to restore him the cruiser taken in as good state as when taken and the two prizes which were almost nothing in value, if they were still in our hands, or if not, then a vessel of equal value to be bought. Presents are proposed to be made equal in value to those he brought.

Tripoli.—We do not know that the family of the Ex-Bashaw is yet given up. Shall he restore the blockade till it is done? Unanimously, No. That would be an act of war to which Congress alone is competent. Let it be given in charge to the Consul who is going to press the surrender of the family with urgency, to let it be plainly understood we will not retire from the fulfillment of that article of the treaty and if it is not done, we may lay it before Congress at the next session when we can better spare gunboats than now.

Spain.—It is understood that if Spain will not sell the Floridas, we may agree to the Sabine and Perdido as the ultimatum of boundary, with all the waters of the Mississippi.

England.—Mr. Pinckney of Maryland is approved as a special missionary to England and also to succeed Monroe. It seems to be the sentiment, though no question was taken, that we may enter into treaty with England, the sum of which should be to settle neutral rights, not insisting on the principle of free ships, free goods, and modifying her new principles of the "accustomed trade" so as to give up the direct and keep the indirect commerce between colonies and their metropolis, restraining impressments of seamen to her own citizens in her own ports, and giving her in commerce the rights of the most favored nations without entering into details. Endeavor to get a relinquishment of her right of commerce with our Indians, or insist on security for our people trading with hers. Endeavor also to exclude hostilities within the gulf stream.

Agreed that Colonel Smith, surveyor of New York, ought to be removed and Peter A. Schenk appointed.

That Captain Rogers ought to return from the Mediterranean so as not to mark him, and James Barron be sent to command there.

Apr. 14. Present all the heads of departments. The message of this day to both houses respecting Tunis was submitted to them, and approved by all of them except Mr. Gallatin who would rather no communication on the subject should be made. However he suggested several alterations in the message, which were made.

Information being received that the Spaniards prohibit our vessels passing up the Mobile, I proposed for their consideration whether I should communicate it to Congress. We were all against it except Mr. Madison and General Dearborne, who rather leaned to a communication but acquiesced. The reasons against it were

that it would open anew the sluices of invective which had lately been uttered there, the lateness of the period, Congress being to adjourn in seven days, the impossibility of their administering a remedy in that time and the hope that we might get along till we could hear from Paris.

April 15th, 1806. About a month ago, Colonel Burr called on me and entered into a conversation, in which he mentioned, that a little before my coming into office, I had written to him a letter intimating that I had destined him for a high employ, had he not been placed by the people in a different one; that he had signified his willingness to resign as Vice-President to give aid to the administration in any other place; that he had never asked an office, however; he asked aid of nobody, but could walk on his own legs and take care of himself; that I had always used him with politeness, but nothing more; that he aided in bringing on the present order of things; that he had supported the administration; and that he could do me much harm; he wished, however, to be on different ground; he was now disengaged from all particular business—willing to engage in something—should be in town some days, if I should have anything to propose to him. I observed to him, that I had always been sensible that he possessed talents which might be employed greatly to the advantage of the public, and that as to myself, I had a confidence that if he were employed, he would use his talents for the public good; but that he must be sensible the public had withdrawn their confidence from him, and that in a government like ours it was necessary to embrace in its administration as great a mass of public confidence as possible, by employing those who had

a character with the public, of their own, and not merely a secondary one through the executive. He observed, that if we believed a few newspapers, it might be supposed he had lost the public confidence, but that I knew how easy it was to engage newspapers in anything. I observed, that I did not refer to that kind of evidence of his having lost the public confidence, but to the late Presidential election, when, though in possession of the office of Vice-President, there was not a single voice heard for his retaining it. That as to any harm he could do me, I knew no cause why he should desire it, but, at the same time, I feared no injury which any man could do me; that I never had done a single act, or been concerned in any transaction, which I feared to have fully laid open, or which could do me any hurt, if truly stated; that I had never done a single thing with a view to my personal interest, or that of any friend, or with any other view than that of the greatest public good; that, therefore, no threat or fear on that head would ever be a motive of action with me. He has continued in town to this time; dined with me this day week, and called on me to take leave two or three days ago.

I did not commit these things to writing at the time, but I do it now, because in a suit between him and Cheetham, he has had a deposition of Mr. Bayard taken, which seems to have no relation to the suit, nor to any other object than to calumniate me. Bayard pretends to have addressed to me, during the pending of the Presidential election in February, 1801, through General Samuel Smith, certain conditions on which my election might be obtained, and that General Smith, after conversing with me, gave answers from me. This is absolutely false. No proposition of any kind was ever made to me on that occasion by General Smith, nor any

answer authorized by me. And this fact General Smith affirms at this moment.

For some matters connected with this, see my notes of February 12th and 14th, 1801, made at the moment. But the following transactions took place about the same time, that is to say, while the Presidential election was in suspense in Congress, which, though I did not enter at the time, they made such an impression on my mind that they are now as fresh, as to their principal circumstances, as if they had happened yesterday. Coming out of the Senate chamber one day, I found Gouverneur Morris on the steps. He stopped me, and began a conversation on the strange and portentous state of things then existing, and went on to observe, that the reasons why the minority of States was so opposed to my being elected, were, that they apprehended that 1, I would turn all federalists out of office; 2, put down the navy; 3, wipe off the public debt, and 4* * * * *

That I need only to declare, or authorize my friends to declare, that I would not take these steps, and instantly the event of the election would be fixed. I told him, that I should leave the world to judge of the course I meant to pursue by that which I had pursued hitherto, believing it to be my duty to be passive and silent during the present scene; that I should certainly make no terms; should never go into the office of President by capitulation, nor with my hands tied by any conditions which should hinder me from pursuing the measures which I should deem for the public good. It was understood that Gouverneur Morris had entirely the direction of the vote of Lewis Morris of Vermont, who, by coming over to Matthew Lyon, would have added another vote, and

*The M. S. is cut out and lost.

decided the election. About the same time, I called on Mr. Adams. We conversed on the state of things. I observed to him, that a very dangerous experiment was then in contemplation, to defeat the Presidential election by an act of Congress declaring the right of the Senate to name a President of the Senate, to devolve on him the government during any interregnum; that such a measure would probably produce resistance by force, and incalculable consequences, which it would be in his power to prevent by negating such an act. He seemed to think such an act justifiable, and observed, it was in my power to fix the election by a word in an instant, by declaring I would not turn out the federal officers, nor put down the navy, nor sponge the national debt. Finding his mind made up as to the usurpation of the government by the President of the Senate, I urged it no further, observed the world must judge as to myself of the future by the past, and turned the conversation to something else. About the same time, Dwight Foster of Massachusetts called on me in my room one night, and went into a very long conversation on the state of affairs, the drift of which was to let me understand, that the fears above mentioned were the only obstacle to my election, to all of which I avoided giving any answer the one way or the other. From this moment he became most bitterly and personally opposed to me, and so has ever continued. I do not recollect that I ever had any particular conversation with General Samuel Smith on this subject. Very possibly I had, as the general subject and all its parts were the constant themes of conversation in the private *tete a tetes* with our friends. But certain I am, that neither he nor any other republican ever uttered the most distant hint to me about submitting to any conditions, or giving any assurances

to anybody; and still more certainly, was neither he nor any other person ever authorized by me to say what I would or would not do.

See a very exact statement of Bayard's conduct on that occasion in a piece among my notes of 1801 which was published by G. Granger, with some alterations, in the papers of the day under the signature of * * *

April 25. Present all the members of the Cabinet. All the articles of a treaty, in maximo and minimo were agreed to without a single dissent on any article: the former instructions of Monroe were made the ground work.

It was proposed to consider whether any measures should be taken under the Act for detaching 100,000 militia. It was agreed not on the following grounds: 1. It would spread considerable alarm through the country. 2. If New Orleans (the only place at which danger is apprehended) be really attacked, succor from this Act is doubtful, if not desperate. 3. The language of Spain is entirely pacific according to the last letters from Erving. 4. Were she disposed to send troops across the Atlantic, she could not do it in the present posture of things on the ocean. 5. At Havana they have scarcely any troops—certainly none to spare; at Pensacola and Mobile about 600; Baton Rouge, 170. 6. In New Orleans we have 200, and in the vicinities, which may be drawn there in a few days, 1000 more. The militia of New Orleans may be counted on from 500 to 1000, and the seamen about as many more; so that an effective force of about 3000 may be relied on. We conclude therefore to adopt the following measures:

*This note is not in the M. S.

1. The gunboats (eight in number) up the Ohio not being ready, order the two bomb vessels and two gunboats built by Commodore Preble to proceed immediately to Charleston, there take gunboat No. 1 and go on; the three gunboats to Lake Pontchartrain, and the two bombs to New Orleans, where the men and stores for them have been some time arrived. The rest of the gunboats from the Mediterranean being daily expected at Charleston or Savanna, if they arrive before those from the Ohio come down, order four to New Orleans, because we consider six for the Mississippi, and three for the lakes sufficient; and when the Ohio boats come down the surplus may be brought off to the Atlantic ports. The gun boats are depended on to guard the passage through the lakes from the quarter of Mobile, to guard the entrance of the mouth of the river from the sea, and to guard the crossing of it at the Acadian settlement should troops approach from Nacogdoches and westward across the Chataleya along the road to the Acadian settlement.

2. Block houses and other defensive works are immediately to be prepared on the neck of land along which the approach lays from Baton Rouge and Manshac; at Fort St. Jean and the most advantageous defiles on the approaches from the Eastward; the troops remaining in the vicinities, as at present, on account of their health.

3. The militia of New Orleans, Tombigbee and Natchez to be kept in readiness, those of New Orleans for its own defense, those of Tombigbee to seize Mobile or Pensacola, if their garrisons be drawn off to New Orleans or to follow on their rear; and those of Natchez to take Baton Rouge, if the garrison be drawn, or to follow and cut off their retreat.

There was no dissent to any article of this plan.

May 1. Present the four Heads of departments. A letter from the Mayor of N. Y., complaining of the murder lately committed, and the trespasses by the *Leander*, *Cambrain* and *Driver*, and asking for a naval force, also the depositions of Pierce, and——. It was considered that the laws had made an establishment of 900 men for the Navy in peace, with power to employ them in any vessels we thought proper; that these might man three frigates; that if it would have been thought proper with three frigates to attack and drive off these three British vessels, yet that two of the three were absent in the Mediterranean, and the third hove down; the latter not to be in readiness under a month, and one of the former not possible to be called home under five months; that for so distant and uncertain an effect the defence of our commerce in the Mediterranean ought not to be abandoned; that our gunboats were not as yet in place to be stationed in New York; and that therefore no force of either of these descriptions were within our power. It was thought proper therefore to recommend a regular prosecution of the murder by the State Courts of N. Y., or N. J., if within their jurisdiction, or, if out of it, then by the District Court of the U. S., and to issue a proclamation for apprehending Henry (?) Whitby, commander of the *Leander*, for the murder, requiring the three vessels to depart, and interdicting them, and all other vessels commanded by the present captains of the *Cambrain* and *Driver* from the harbors and waters of the U. S., and on their failure to depart, or re-entering them, to prohibit all intercourse,—see the proclamation which was communicated and approved by each of the gentlemen. In all this there was no difference of opinion,

except that General Dearborn thought we might hold out some promise of naval defence to N. Y.

On the prosecution of Ogden and Smith for participation in Miranda's expedition the defendants and their friends, having contrived to make it a government question, in which they mean to have the administration and the judge tried, as the culprits, instead of themselves, Swartwout, the marshal to whom, in his duel with Clinton, Smith was second, and is bosom friend summoned a panel of jurors, the greater part of which were of the bitterest Federalists, his letter too covering to a friend a copy of Aristides, and affirming that every fact in it was true as Holy Writ. Determined unanimously that he be removed.

July 11. Consultation with the Secretary of the Navy, nine gunboats built in the U. S., and two ditto bought in the Mediterranean, with two bombs built in the U. S., and two ditto bought in the Mediterranean, and three of our brigs, etc., are daily expected to arrive from the Mediterranean; two of the brigs to come here, and all the other vessels to Charleston. As everything at New Orleans is now quiet, and therefore not pressing, we conclude to depend on the eight gunboats built in the Ohio to be in New Orleans in time, and to join to these, by an immediate order, one of Preble's gunboats, and one of his bombs; this will make up the nine gunboats agreed on Apr. 25 for the Mississippi and Pontchartrain, with the addition of the bomb, two of the gunboats at Charleston; three shall remain there; three others of them, plus No. 1 (not fit for that place), shall go to Norfolk; six others of them, plus the other of Preble's gunboats, shall go to New York, one boat only, however, is to be kept manned at each place, the rest to be hauled

up. Preble's other bomb, the four ditto from the Mediterranean, and all the other brigs, etc., from the Mediterranean to come here to be laid out.

July 19, 1806. Consultation with the four Heads of departments. An armed vessel at Norfolk, fitting out by Cooper to cruise as a Spanish or French privateer, to be seized and placed under a course of law; she is complained of by Mr. Merry; officer to be indemnified. Yrujo—agreed to do nothing as yet. Mr. Madison seemed of a different opinion.

One gunboat to be kept in service at Charleston, and to act against privateers, under former instructions, if the appropriation will afford it.

The frigate under Campbell in the Mediterranean to remain there till next spring.

Here Gen. Dearborn was called away.

Swartwout,—if the case *versus* Ogden and Smith is determined at the present session he is to be removed immediately. If it lies over to another term let him remain to another.

Oct. 22. Present the four Heads of Departments. The Spaniards have moved to Bayou Pierre a body of 1000 or 1200 men, mostly militia, mounted, and 300 regulars are expected to join them. Our regular force in the Mississippi and Orleans territories is 631 men at Natchitoches, and ordered there from Fort Adams 210. At New Orleans—240 new recruits arrived or arriving at Orleans, making in all 1081, besides 130 at Tombigbee. Two Gunboats are at New Orleans (from Ohio) six more daily expected from the same quarter. Two others and two bomb vessels from Boston, are arriving there about this time, and Gen. Wilkinson asks 500 mounted

men, to secure his operations if forced to act hostily; the Acting Governor of Mississippi offers 250 volunteers for service on the west side of the Mississippi, and 500 if employed on the east side; the Governor of Orleans counts on 500 militia from the western countries of his territories. Agreed unanimously to require from those two territories 500 volunteers, mounted on their own horses, engaged to serve six months, and to be in readiness when called for by the commanding officer of the regulars. This under the law of the last session for calling out a detachment of militia, and further that the marines at New Orleans shall do garrison duty there, so that the 210 men at that place may be moved up to Natchitoches; the gunboats to be under the orders of the commanding officer.

During the last session of Congress, Col. Burr, who was here, finding no hope of being employed in any Department of the Government, opened himself confidentially to some persons on whom he thought he could rely, on a scheme of separating the Western from the Atlantic States, and erecting the former into an independent Confederacy. He had before made a tour of those States, which had excited suspicions, as every motion does of such a Catalinarian character. Of his having made this proposition here we have information from Gen. Eaton, through Mr. Ely and Mr. Granger. He went off this spring to the Western country. Of his movements on his way information has come to the Secretary of State and myself, from John Nicholson and Mr. Williams of the State of N. J., respecting a Mr. Tyler, Col. Morgan, Neville and Roberts near Pittsburg, and to other citizens through other channels and the newspapers. We are of opinion unanimously that confidential letters be written to the Governor of Ohio,

Indiana, Mississippi and Orleans, to the district attorney of Kentucky,—of Tennessee,—of Louisiana, to have him strictly watched, and on his committing any overt act unequivocally, to have him arrested and tried for treason, misdemeanor, or whatever other offence the act may amount to. And in like manner to arrest and try any of his followers committing acts against the laws. We think it proper also to order some of the gunboats up to Fort Adams, to stop by force any passage of suspicious persons going down in force.

Gen. Wilkinson being expressly declared by Burr, to Eaton, to be engaged with him in this design, as his lieutenant, or first in command, and suspicions of infidelity in Wilkinson being now become very general, a question is proposed what is proper to be done as to him, on this account as well as for his disobedience of orders received by him June 11, at St. Louis, to descend with all practicable despatch to New Orleans, to mark out the site of certain defensive works there, and then repair to take command at Natchitoches, on which business he did not leave St. Louis till Sep.—consideration adjourned.

Oct. 24. It is agreed unanimously to call for Captains Preble and Decatur to repair to New Orleans by land or sea, as they please, there to take command of the force on the water, and that the Argus, and two gunboats from N. Y., three from Norfolk and two from Charleston shall be ordered there, if on a consultation between Mr. Gallatin and Mr. Smith the appropriations shall be found to enable us. That Preble shall, on consultation with Governor Claiborne, have great discretionary powers. That Graham shall be sent through Kentucky on Burr's trail, with discretionary powers to consult con-

fidentially with the governors, and to arrest Burr if he has made himself liable. He is to have a commission of Governor of Louisiana, and Dr. Browne is to be removed. Letters are to be written by post to Gov. Claiborne, the Governor of Mississippi and Col. Freeman, to be on their guard against any surprise of our ports or vessels by him. The question as to Gen. Wilkinson postponed till Preble's departure, for further information.

Oct. 25. A mail arrived yesterday from the westward, and not one word is heard from that quarter of any movements by Col. Burr. This total silence of the officers of the Government, of the members of Congress, of the newspapers proves he is committing no overt act against law. We therefore rescind the determination to send Preble, Decatur, the *Argus*, or the gunboats, and, instead of them, send off the marines, which are here to reinforce, or take the place of the garrison at New Orleans, with a view to Spanish operations; and, instead of writing to the governors, &c., we send Graham on that route with confidential authority to enquire into Burr's movements, put the governors &c. on their guard, to provide for his arrest, if necessary, and to take on himself the Government of Louisiana. Letters are still to be written to Claiborne, Freeman and the Governor of Mississippi to be on their guard.

Nov. 8. Present the four Heads of Departments. Agreed on instructions to Gen. Wilkinson,—which see.

Nov. 25. Present at first the four Heads of Departments, but after a while Gen. Dearborn withdrew, unwell. Despatches from Gen. Wilkinson to myself, of

October 21, by a confidential officer (Lt. Smith), show that overtures have been made to him, which decide that the present object of the combination is an expedition by sea against Vera Cruz; and, by comparing the contents of a letter from Cowles Meade to the Secretary of State with the information from Lt. Smith that a Mr. Swartwout from N. York, brother of the late marshal, had been at Gen. Wilkinson's camp, we are satisfied that Swartwout has been the agent through whom overtures have been made to Wilkinson. We came to the following determination: that a Proclamation be issued, (see it) and that orders go as follows to Pittsburg: If we have a military officer there, write to him to be vigilant, in order to discover whether there are any preparations making, or boats, or arms, or other military stores or means providing by any persons against whom there is reasonable ground to suspect that they have in contemplation a military enterprise against any of the territories of Spain (contrary to the Stat. June 5, 94. C. 50) and to stop all bodies of armed men who may be assembled to descend the Ohio under circumstances and appearances so different from those of common emigrants as to induce a reasonable suspicion that they are a part of a combination of persons believed to have such an enterprise in view; to have them bound to the observance of the peace and good behaviour, or to put in a course of legal prosecution, according to the strength of the evidence; and for this purpose to call in the aid of the militia;—if we have no officer there, then write to Gen. Neville—Marietta. Mr. Gallatin is to write to the collector to proceed to seize the gunboats building in that neighborhood, and suspected to be designed for this enterprise, and to call in the aid of the militia. Gen. Dearborn to write to

Governor Tiffin to furnish a guard of militia sufficient for the detention of the boats, and to write to Gen. Jackson, supposed to be the General of the Brigade on the Virginia side of the river, to furnish any aid of militia which may be necessary from the left bank of the river—Louisville. Gen. Dearborn to write to the Governor of Kentucky of the same tenor as to the officer at Pittsburgh.—Massac. Gen. Dearborn to give orders to Capt. Bissell of the same tenor, and particularly to stop armed vessels suspected on good grounds to be proceeding on this enterprise, and for this purpose to have in readiness any boats he can procure, fitted for enabling him to arrest their passage.—Chickasaw Bluffs. Give same orders as to Bissell.—Fort Adams. Ditto.—New Orleans. Gen. Wilkinson to direct the stations of the armed vessels and, if the arrangements with the Spaniards will permit him to withdraw, let him dispose of his force as he thinks best to prevent any such expedition, or any attempt on New Orleans or any of the posts or military stores of the U. S. (He is also to arrest persons coming to his camp and proposing a concurrence in any such enterprise, or suspected of being in camp with a view to propagate such propositions. This addition is made by Gen. Dearborn with my approbation.)

Dec. 15. See a message agreed on unanimously to furnish money for distressed French. Not sent; Turreau withdrawing request.

Dec. 16. Present the four Heads of Departments. Being informed that the *Cambrian*, one of the vessels proscribed by the Proclamation of May last, is in Hampton Roads, we agreed to issue the Proclamation (which see) dated Dec. 20. To write to Generals Matthews and Wells to furnish militia for cutting off supplies, and to

order the revenue cutters and boats, and the gunboats at Norfolk under Capt. Decatur to attend to the same; but first to inform Mr. Erskine of what is to be done, and detain our orders some days, to give time for the effect of his interference. The papers were to have gone off on the 20th, but that morning he informed Mr. Madison the *Cambrian* was gone, so our orders and Proclamation were suppressed. (See the draft of the Proclamation.)

Dec. 19. Present the Heads of Departments, (except Mr. Gallatin). See an unfinished letter of Dec. 20, to Governor Claiborne, containing the sum of the orders agreed to be sent.

Feb. 2, 1807. Present the Heads of Departments and Attorney General. Letters having been received from our ministers in London, of Nov. 11, informing that they were likely to settle satisfactorily the great points of Colonial commerce, (indirect) blockade, jurisdiction, commerce on footing *gentis amiscissimae*. East India ditto on that of Jay's treaty, but that the right of taking their seamen out of our vessels at sea (which in its exercise took ours also) would not be given up by treaty, though moderated in practice, and that our commissioners meant to conclude such an one, I proposed these questions.

- 1.—Shall we agree to any treaty yielding the principle of our non-importation Act, and not securing us against impressments? Unanimously not. Because it would be yielding the only peaceable instrument for coercing all our rights. The points they yield are all matters of right. They are points which Bonaparte and Alexander will concur in settling at the treaty

of peace, and probably in more latitude than Great Britain would now yield them to us, and our treaty would place on worse ground, as to them, than will be settled for Europe. The moment is favorable for making a stand, and they will probably yield, and the more probably as their negotiators had agreed to an article that they would not impress on the high seas, or in any other than their own ports; which had once before been agreed to with Mr. King, but retracted in both cases. We had better have no treaty than a bad one. It will not restore friendship, but keep us in a state of constant irritation.

- 2.—Shall we draw off in hostile attitude, or agree informally that there shall be an understanding between us that we will act in practice on the very principles proposed by the treaty, (except as to the E. India commerce) they defining what breaks the continuity of a voyage, blockades, jurisdiction &c., and we agreeing to recommend to Congress to continue the supervision of the non-importation. The last mode decided unanimous.

Art 3.—Shall we consult the Senate? Unanimously not. Had the 1st question been decided affirmatively their advice should have been asked. Mr. Madison was not satisfied whether we ought not to propose giving up the right of employing their seamen at all in our vessels, and making it penal on our commanders, as an inducement to them to give up impressment and trust to the effect of such a law for securing to them the use of all their seamen. Our commissioners are to be immediately instructed to adhere to their original instructions, which made the impressment a *sine qua non*.

Feb. 27. Present Madison, Dearborn, Smith, Rod-

ney. Agreed to discharge all the militia at the stations from the mouth of Cumberland upwards, to give up all boats and provisions seized (except Blennerhasset's) or pay the value, applying them in that case, to public use; to institute an inquiry into the proceedings of Burr and his adherents, from N. Y. to New Orleans, and particularly to appoint good men at the following points: Pittsburg, Marietta, Wood county, Cincinnati, Louisville, Nashville, Vincennes, St. Louis, Natchez, New Orleans, Statesburg, City of Washington, Philadelphia, New York and other points in that State, to take affidavits. The Attorney General to prepare interrogatories; the vessels in the Mediterranean to be relieved; the Act for 30,000 volunteers to be committed to governors of Western States for execution. The Arkansas to be explored.

Mar. 17. Present all. British treaty. Agreed that the article against impressment shall be a *sine qua non*, according to our instructions of Feb. 3. So also the withdrawing the declaration respecting the French decree of blockade, or the modifying it so as not to affect the treaty, and, as the treaty is opened for these purposes, endeavor to alter the following articles: 1. E. India trade, restore Jay's articles. 2. Keep the one now in. 3. Expunge it, but on this head we are to enquire of merchants before we send the instruction. Art. 8. Avoid, if possible, the express abandonment of free ships free goods. Art. 10. Have blockade defined according to the British note formerly received. Art. 17. Expunge stipulation to receive their vessels of war and especially the humiliating stipulation to treat their officers with respect, reserve the right to indemnifications—Absolutely forbid the proposed convention for

giving them a right to trade with the Indians of Louisiana. Art. 5. Tonnage &c. Consult with merchants.

A circular letter to the governors &c., for carrying the Volunteer Act in execution was agreed on.

Persons were named for conducting inquiries into Burr's treasons, &c., and his associates, and Newark and Trenton in Jersey, and Newport in Kentucky were added.

It was agreed that the seamen employed at New Orleans were to be considered and paid as militia at militia prices, and that the surplus pay stipulated to them should be paid out of the Navy funds.

Apr. 3. Present the Heads of Departments. Agreed to propose to Great Britain not to employ any of her seamen, on her stipulating not to impress from our ships; to endeavor to make the Article for indirect colonial commerce coextensive in time with the duration of the treaty; agreed also to admit them under the former treaty to pay no more duty on Indian goods imported by the Lakes than we take from our own people, on obtaining from them an acknowledgement of our right to extend the regulation of Indian commerce within our limits to their traders as well as our own, as is the case with commerce in general in Atlantic States.

The enquiry into Burr's conspiracy to be begun by the Attorney General immediately.

July 2, 1807. Present all the Heads of Departments and Attorney General. The Proclamation of this day unanimously agreed to.

A copy of the Proclamation to be enclosed to the Governors.

Recall all our vessels from the Mediterranean, by a

vessel to be sent express.

Send the *Revenge* to England with despatches to our minister demanding satisfaction for the attack on the Chesapeake, in which must be included: 1. A disavowal of the Act, and of the principle of searching a public armed vessel. 2. A restoration of the men taken. 3. A recall of Admiral Barclay. Communicate the incident which has happened to Russia. Orders had been already issued for a court of Inquiry on Barron. The vessels recalled from the Mediterranean are to come to Boston. When may be further orders.

July 4. Present the same. Agreed that a call of congress shall issue the 4th Monday of Aug. (24th) to meet the 4th Monday in October (26th) unless new occurrences should render an earlier call necessary. Mr. Smith wished an earlier call.

July 5. Present the same. It was agreed to call on the governors of the States to have their quotas of 100,000 militia in readiness. The object is to have the portions on the sea-coast ready for any emergency, and for those in the North we may look to a winter expedition against Canada.

July 7. Present the Secretaries of State and Navy, and Attorney General. Agreed to desire Governor of Virginia to order such portion of militia into actual service as may be necessary for defence of Norfolk, and of the gunboats at Hampton and in Matthews county.

July 26. Norfolk. Agreed that all the militia at this place, and on both sides of James river, be dismissed, except: 1. An artillery company, to serve the

spare guns at Norfolk, and to be trained to their management. 2. A troop of cavalry, to patrol the country in the vicinity of the squadron, as well to cut off their supplies as to give notice of any sudden danger; to meet which the militia of the borough and neighboring countries must hold themselves in readiness to march at a moment's warning, a major to command the two companies of artillery and cavalry. Offensive measures.

Prepare all necessaries for an attack of Upper Canada and the upper part of Lower Canda as far as the mouth of Richelieu river.

Prepare also to take possession of the Island of Campbell, &c., in the Bay of Passamaquoddy.

The points of attack in Canada to be.—1. Detroit, 2. Niagara, 3. Kingston, 4. Montreal.

1. Detroit.	300 Militia of Michigan.	
	1000 Do. from the State of Ohio.	
	100 Regulars from Fort Detroit, Fort Wayne.	
	<hr/>	1400
2. Niagara.	1500 Militia from Pennsylvania and Genesee.	
	One artillery company of regulars from Niagara.	
	<hr/>	1500
3. Kingston.	1500 Militia from New York.	
	<hr/>	1500
4. Montreal	1500 Militia from New York.	
	2000 " " Vermont.	
	1000 " " Massachusetts.	
	1000 " " New Hampshire.	
	<hr/>	5500

Blackburn Langston. very able, but ill-tempered, selfish, unpopular.
Dante Clinton. very able, good, rich & lazy. very firm. does not follow any profession.
named Agassiz's daughter in law.
Therd Sumter, son of Genl Sumter. S. Carolina. a man of solid understanding
writes correctly. seems discreet & virtuous. follows no profession.

Harrison, of Carlisle. Genl. Hanna tells me he is as able a lawyer as any
in Persim, & a zealous republican.

Nov. 10. Woodbury Langston proposes the following changes.

Eight, the present Marshal to be removed a doctent, inchester-ty, appointed by the influence of
Rosen, former Marshal. his lately appointed a high time federalist for his deputy.

William Simmonds recommended in his place by John & Wood. Langston.

Repeal the Supervisor to be removed. he was a violent Revolutionary tyrant. he was the ringleader of the
16 towns on Connecticut river who were prevailed on to join Vermont in going over to the British.
he has spent half his time in electioneering activity. still maintains a close in an enormous estate.
Nathan C. Folger to be Naval Officer vice Edw. S. the Librarian.

5. Campobello. 500 Militia from Maine.

10,300 Militia.

General Officers for the attack on

Detroit, Gen. Hull.

Niagara,

Kingston, Gansevoort

Montreal,

Campobello, Col. Trescott or Brig. Gen. Chandler.

It is understood that everything which is not already in the neighborhood of the places can be got, and carried as fast as the men can be collected and marched, except provisions to Detroit.

Half tents and traveling carriages for artillery to be made.

Measures to be taken for obtaining information from Dertoit through Gen. Hull.

Niagara, Erastus Granger.

Kingston

Montreal, Saillee

Quebec.

Halifax—some person to be covered under a commission of agency for.

Some merchant who may have a vessel there under adjudication.

The Secretary of War to recommend to the governors to press for twelve month *volunteers under the last Act*, rather than six months.

Do. under the former.

July 27. Defensive measures.

The places needing defence divided into three classes:

- 1.—Where batteries only need be provided to be guarded in common by a few men only, and to be manned, when necessary, by militia.
- 2.—Places which, from their importance, require some stronger defense, but which, from the forts already built, the difficulty of access and the strength of their adjacent population, need only repairs, some inconsiderable additions to their works and garrisons.
- 3.—Places which, from their importance and ease of access by land and water, may be objects of attack and which, from the weakness of their population, difficulties of defense, &c., will need particular attention and provision. In distributing the sea ports into these classes their importance, so far as depends on their tonnage, collection of import, exports domestic and foreign, may be obtained from a table prepared by the Secretary of the Treasury (which see).

1st class may be taken from that table readily—perhaps some places not in that may require some defence.

2d Class

Portsmouth, N. H.
Newburyport
Salem
Boston
Providence
New London
Saybrook
New Haven
Philadelphia
Wilmington, Del.
Baltimore
James River
Ocracoke
Wilmington, N. C.
Charleston

On each of these we conferred, successively, and came so far to a general understanding of the nature and extent of the works, and number of gunboats necessary for their defense, as might enable the Secretary at War to make out a detailed statement for each, for future consideration, estimating the expense of works, number of men, and number of gunboats necessary for each.

3d Class.

Portland
Newport
New York
Alexandria and
Washington
Norfolk
Savanna
New Orleans

} On these, also successively, conferences took place, so as to enable the Secretary at War to make a similar statement as to them.

July 28. The existing appropriations for fortifications being not more than sufficient for New York, Charleston and New Orleans, it is thought best to employ them entirely on those places, and leave the others till further appropriations.

It is thought that the Secretary of the Navy should purchase on credit timber and other materials for a great number of gunboats, suppose 100, but that they should chiefly be of those kinds which may be useful for the Navy should Congress not authorize the building gunboats.

Also that he should purchase on credit 500 tons of saltpetre and 100 tons of sulphur on the presumption that Congress will sanction it.

Our stock of swords, pistols and mortars being not sufficient, the Secretary of War will take measures for procuring a supply of the two former articles, and will keep Troxall constantly employed in making mortars, until a sufficient stock be provided.

The Secretary of the Navy will take immediate measures for procuring from London 100 telescopes of about 10 guinea price, for the establishment of telegraphs.

It is agreed that 15,000 regular troops will be requisite for garrisons, and about as many more as a disposable force, making in the whole 30,000 regulars.

It is also recommended to the Secretary of the Navy

to recruit the whole number of marines allowed by law, to wit, about 1100, principally for the service of the gunboats. On the question,—Under what circumstances I may order Decatur to attack the British vessels in our waters, it is the opinion that if they should blockade any place, preventing vessels from entering or going out, or proceed systematically in taking our vessels within our waters, that the gunboats should attack them, if they can do it with a good prospect of success. But Decatur is not to do this without orders from me. Should they attack Norfolk, or enter Elizabeth river, Decatur may attack them without waiting orders.

In endeavoring to obtain information of the state of the British posts to be attacked, the following will be the proper objects of enquiry:

1. The regular force. 2. The force of the militia they may command, and the temper and disposition of the people, and whether armed.

3. The character of the commanding officer.

4. The situation of the fort, whether in good repair—if requiring regular approaches—the situation of their magazines, &c.

5. Plans of the works; maps of the roads; what are the obstacles to the march of troops, &c.

It is agreed that Congress shall be called to meet on Monday, the 26th of October, and that we will assemble here on Monday, the 5th of October; the Proclamation to issue immediately.

Mr. Gallatin's estimate.

30,000 men employed ashore and in gunboats @	300—9,000,000
Navy	1,500,000
Occasional militia	1,000,000
Ordnance, transports, fortifications	1,500,000
Interest on public debt	3,500,000
All civil expenses	1,500,000
	<hr/>
	18,000,000

Ways and Means.

Present impost reduced by war to	8,000,000
Additional duties and taxes	2,500,000
Sales of land	500,000
Deficiency to be supplied by annual loan	7,000,000
	<hr/>
	18,000,000

Besides which we must borrow annually the installments of public debt becoming due that year.

Oct. 10. Present the four Secretaries. Agreed unanimously that, in consideration of information received, as to the strength of the British posts in Canada, 3000 men (instead of 1500) must be ordered against Niagara, and 500 only (instead of 1500) against Kingston. That in the message at the opening of Congress the treaty and negotiations should not be laid before them, because still depending.

October 22. Present all. The Constitution is to remain at Boston, having her men discharged; the *Wasp* is to come to N. York; the Chesapeake is to remain at Norfolk; and the sending the U. S. frigate to New York is reserved for further consideration, enquiring, in the

meantime, how early she could be ready to go. It is considered that, in case of war, these frigates would serve as receptacles for enlisting seamen to fill the gunboats occasionally.

After agreeing as above, proceeding to consider how the crew of the *Constitution* should be paid off (the Navy funds being exhausted) before the meeting of Congress, it was concluded that, in order to gain time till their meeting, the *Constitution* should be brought round to N. York and the *United States* be destined for Boston.

Oct. 31. Gunboats to be stationed at N. York, 17 at Norfolk, 3 at Charleston, 15 at New Orleans and 8 building in Western country. They are to have eight men for the guns, three sailors for the sails, and to depend on militia of the place for the rest, a captain for each flotilla.

Nov. 26.—Present all the members.

“ 27.—Do. except the Attorney General.	} See a paper containing minutes of the proceedings of these days, in which there was no dissentient voice.
“ 28.—Present all the members.	

Nov. 27. Present all. Gov. Hull writes from Detroit, Nov. 8th, that he has called on the Gov. of Ohio for 500 militia infantry and a company of horse, in consequence of a collection of Indians, kept at Amherstburg, and other indications of war. General Dearborn having before directed Hull to strengthen his garrison (of 50 regulars) by calling into service three companies of militia of the place, thought it would be sufficient if we ordered three or four companies more from Ohio.

The other gentlemen thought we had better let Hull's call take its course, being attentive the moment we receive intelligence from England to modify it accordingly.

Agreed that an order shall be enclosed to Gov. Claiborne, to remove by military force intruders on the Batture under the Act of the last session of Congress.

Information being received that great numbers of intruders have set down on the lands lately obtained from the Chickasaws and Cherokees, and particularly within the Yazoo tract, and some also within the Cherokee lines, the Secretary at War is to give immediate orders for removing them by military force.

Jan. 25, 1808. Mr. Dawson called on me and informed me that yesterday he was called on by a Mr. Hall, a native of the U. S., but a British subject, engaged in commerce here, who told him he had had a vessel condemned at Halifax, and was going to England to prosecute the appeal. That, being acquainted with Mr. Erskine, and known also to Mr. Rose since his arrival, he had informed them, and they had desired him to be the bearer of their despatches, which would be ready on the 27th. These despatches he said would be delivered in a box, would contain all their communications to their Government, consequently their operations here, intrigues, spies, friends, information, their own views, prospects and designs. That he believed his appeal would cost him as much as he should recover, that he was now a ruined man, had been cruelly treated by England, therefore wished to quit that country and become an American. That, for a proper reward, (he did not say what) he would take the papers out of the box which should be delivered him, deliver them to us,

fill the box with blank papers, return to N. York, and, making some excuse for not going, he would send the box to its address. He said we should be on our guard, for that those ministers had many spies in Washington, and one in the President's house, who informed them of everything passing. This man is known to have been much attended to by Erskine, to have been at his parties, at those of Taylor, &c.

My answer to Mr. Dawson was that the Government would never be concerned in any transaction of that character; that moral duties were as obligatory on nations as on individuals, that, even in point of interest, a character of good faith was of as much value to a nation as an individual, and was that by which it would gain most in the long run. That, however, he might assure Hall that we would keep his secret. Mr. Dawson had consulted with Mr. Nicholas on this communication, and, after I had given him the above answer, I mentioned it to Mr. Madison, who approved of it.

Apr. 5, '08. Present the four Secretaries. Having now 100 gunboats building, and about 70 in service, we agreed that 20 should be stationed at New Orleans, with 20 men in each, about half a dozen to be kept in different places, for enforcing the embargo, with eight or ten men each. Of the residue, keep on the stocks as many as we can by agreement, for preservation, and to all the rest allow two men each. Let the frigates and sloop remain where they are, with about twenty or thirty men each to keep them clean. Which will reduce the number of seamen to less than 900. The original establishment, as the law on which the Proclamation is founded expires with the end of this session, it is rather believed that its renewal would not renew the

Proclamation; and, as it would be disagreeable either to renew or revoke it, we conclude to let it go off in that doubtful way which may afford a reason for not proceeding to actual hostilities against British armed vessels entering our waters. We agree to renew the call for the 100,000 militia and volunteers.

June 30, '08. Present the four Secretaries and Attorney General. Ninety-six applications for permission to send vessels out for property. Agreed as general rules, 1. That no permission shall be granted after the —of —. 2. None to Europe, because of the danger of the capture or detention of the vessels, and money can be drawn thence so easily by bills, and to such advantage by the favorable exchange. 3. None to Asia, or the continent of Africa, except Mogadore. 4. None to South America beyond the line. From such distances vessels could not return before war may take place. Agreed to continue the regulation of Mr. Gallatin's circular of May 20th, except that it may be relaxed as to vessels usually employed in the coasting trade. This has a special view to the relief of North Carolina, that her corn and lumber may be sent coastwise. The Chesapeake being manned may be sent on a cruise from St. Mary's to Passamaquoddy. Two gunboats are to be built on Lake Champlain and one on Lake Ontario. As many as convenient of the troops now raising are to be rendezvoused along Lake Ontario and the St. Lawrence. A copy of the Attorney General's opinion on the mandamus issued to Theus in South Carolina to be sent to the District Attorney, with instructions to oppose all future attempts of the kind, and Theus to be reprimanded for his countenance to the procedure. We

are agreed that a mission to St. Petersburg is expedient; the time not now decided.

July 6, '08. Present the four Secretaries and Attorney General. 1. England revokes her orders of November and January. Shall we suspend the embargo laws as to her? Answer, unanimously, we shall. 2. If she revokes the order of November alone? Answer, we shall suspend, the Attorney General alone dissenting. 3. If she revokes the order of November as to our own produce only? Answer, unanimously, not to suspend, but in that case to call Congress at an earlier day. If France repeals her Berlin and Milan decrees and restores the property sequestered, shall we suspend the embargo laws as to her?

Answer.—Call Congress and declare the embargo laws as to France suspended in 14 days. Mr. Madison is strongly opposed to this latter part—the suspension—because it lets our vessels fall into the hands of England and so pre-determines the question of war. If the embargo is suspended as to one of the powers, it must be so as to the whole world except the other power and all other nations having similar decrees or orders existing against us.

October 22, '08. Present the four Secretaries. (1) Intruders on the new purchase south of the Tennessee. 2. On the Indian lands (Choctaw and Cherokee) on each side of that purchase. 3. On the north side of Red River. Agreed unanimously as to the first to appoint a Register and he to give notice to all the intruders to come in and make a declaration that they have no claim to the lands, and that a military be sent

in the spring to remove all who do not. There is a Colonel Harrison claiming and surveying under Coxe, who probably will not disclaim right and will therefore be removable without disturbing the others who are said to be industrious men of property and disposed to obey the laws. The land office can be opened in the spring which will settle everything.

2. As to intruders on the Indian lands, give notice to depart, and if they do not, remove them in the spring by military force, except from Doubleheads' land. 3. As to those on Red River, let them alone and get Congress to extend the land law to them, as they are conveniently situated to support New Orleans. Unanimously agreed to. Order the detachment of 100,000 men under the law of last session, to be ready early in the spring that we may be prepared for any change in our foreign relations.

Unanimously agreed in the sentiments which should be un-authoritatively expressed by our agents to influential persons in Cuba and Mexico, to wit, "If you remain under the dominion of the kingdom and family of Spain, we are contented; but we should be extremely unwilling to see you pass under the dominion or ascendancy of France or England. In the latter cases should you choose to declare independence, we cannot now commit ourselves by saying we would make common cause with you but must reserve ourselves to act according to the then existing circumstances; but in our proceedings we shall be influenced by friendship to you, by a firm belief that our interests are intimately connected, and by the strongest repugnance to see you under subordination to either France or England, either politically or commercially. Anderson, our consul, going to Havana, is to be instructed accordingly; so is

Hughes who is going to Mexico in quest of Pike's men; and Burling is to be sent to the city of Mexico under pretext of searching for Pike's men also, but in truth to communicate these sentiments to proper characters. Claiborne is to be intrusted with them also, to communicate according to the occasions he may find.

November 9, 1808. Conversation with Mr. Erskine. He was much alarmed at the conversation out of doors looking like a declaration of war with Great Britain.

He spoke (declaring that if he was an American he would so view the thing) as the most rational for us to let our commerce go out and take its chance and that we should defend it against all equally, indeed he seemed to think it best we should declare against all. He said this would be viewed as so equal that no rancorous war would be waged by either and peace would be easy at any time. I told him that there were but three alternatives: 1, war, 2, embargo, 3, submission, and that no American would look a moment at the last. He agreed to it.

I told him I thought it possible France might repeal her decrees as to us, yet I did not understand from Mr. Pinckney's communications that England would even then revoke her decree; he declared in the most explicit terms she would. I then explained that the French repeal might only go to the high seas. He observed that he did not know that that could produce a repeal from England because the exclusion of her merchandise would remain.

I observed to him that I thought England was operated on much by misrepresentations and from the errors of strangers who associated with but one party. He cleared himself of that by saying he mixed much

with both, and could not be supposed to have any interest but in coming at the truth and communicating it.

I noted to him the tone in the conversation of Mr. Canning in the month of June when Mr. Pinckney inferred the orders would be revoked and the month of July when he was totally off. I intimated to him my suspicion that the Halifax expedition was intended to support a hoped insurrection in Boston. He protested at once decidedly against the error of that suspicion, that his government would not be so uninformed as to think of countenancing the taking adverse possession of a place they could not hold many days, and that assuredly they had not a single hostile view towards this country, and that the people of England were equally averse to a rupture with us. He spoke of the situation of Spain and that Bonaparte would soon be ousted there. (He) Lamented the state of the world and I joined him in that and said, that if either Bonaparte or his king were to die we would have peace. He said the Prince of Wales was as much an Anti-Bonapartian as anybody. That he was persuaded there could be no safety in a peace with him which would let their navy go down and Bonaparte's get up. I observed, that went to a principle of eternal war. He said no; that that danger would be lessened by Bonaparte's death, or by such a spirit of insurrection in the North as had appeared in Spain.

I told him I was going out of the administration and therefore might say to him things which I would not do were I to remain in. I wished to correct an error which I at first thought his Government above being led into from newspapers, but I apprehended they had adopted it; this was the supposed partiality of the Administration and particularly myself in favor of France and

against England. I observed that when I came into the Administration there was nothing I so much desired as to be on a footing of intimate friendship with England; that I knew as long as she was our friend no enemy could hurt; that I would have sacrificed much to have effected it and therefore wished Mr. King to have continued there as a favorable instrument; that if there had been an equal disposition on their part I thought it might have been effected; that although the question of impressments was difficult on their side and insuperable with us, yet had that been the sole question, we might have shoved along, in the hope of some compromise; that indeed there was a ground of accommodation which his ministry had on two occasions yielded to for a short time, but retracted; that during the administration of Mr. Addington and the short one of Mr. Fox, I had hoped such a friendship practicable, but that during all other administrations I had seen a spirit so adverse to us that I now despaired of any change; that he might judge from the communications now before Congress whether there had been any partiality to France to whom he would see we had never made the proposition to revoke the embargo immediately which we did to England and again that we had remonstrated strongly to them on the style of Mr. Champagny's letter but had not to England on that of Canning equally offensive; that the letter of Canning now reading to Congress was written in the high ropes and would be stinging to every American breast.

He admitted Mr. Canning wrote strongly and spoke strongly, always taking the highest ground. I told him it was an unhappy talent, that nothing enabled a man to get along in business so well as a smooth temper and smooth style. I observed that if we wished war,

with England as the federalists charged us, and I feared his Government might believe, nothing would have been so easy when the Chesapeake was attacked, and when even the federalists themselves would have concurred, but on the contrary that our endeavors had been to cool down our countrymen and carry it before the Government. He said it would have been very unjust to have made an individual act the ground of war, which his Government might and did disavow. I agreed to that, but added that the same class of men had committed and were in the habit of committing so many atrocious insults on us, that it was impossible not to feel them deeply; that I did not charge his Government with approving all this, because I believed that they could not control them; that the officers were allied to the highest families in the kingdom, were supported by such an aristocracy as that no Minister dare move against one, unless he had acted as a coward and then the nation would support the Minister in shooting him. He said I was much mistaken in supposing the Government could not control the officers of the navy; that there was such a multitude of applicants to enter the navy as placed the whole very much under the power of the Government, and besides that they had such a number of officers beyond what they could employ as made it easy for a Minister to leave any one unemployed.

I told him in the course of the conversation that this country would never, return to an intercourse with England while those orders of council were in force; in some part of it also I told him that Mr. Madison (who it was pretty well seen would be my successor, to which he assented) had entertained the same cordial wishes as myself to be on friendly footing with England.

I committed all this to writing the moment Mr. Ers-

kine left me. I have always expressed the substance and very often the very words and phrases expressed. They were however much more dilated than is here expressed on paper.

December 1, 1808.—Present the four Secretaries. The expedition prepared at Halifax, consisting of 4000 men, is believed to be kept in readiness; in case war is declared by us, or obviously imminent, it is to go off instantly. Abandoning Upper Canada to us, and take possession of New Orleans; we therefore determine unanimously that all the new recruits from Pennsylvania inclusively, southwardly and westwardly shall be sent off immediately (being about 200 men) those in the Atlantic states by sea, the Western down the Ohio and Mississippi, and provisions to be sent down the Mississippi with the men, if the state of the river permits them to go; besides these there are 1000 of the old troops which can be rapidly brought to New Orleans; that we may count on 1000 good militia of New Orleans, and 1000 of Mississippi to be instantly commanded, making a force of 5000 men; that 30 gunboats shall be immediately sent into Lake Pontchartrain, and we are to ask 3525 seamen for the next season, to 15 for 17 gunboats, and the residue to fill the 11 small vessels we have from the John Adams, now a corvette, down. These 11 small vessels to be sent immediately to the eastern ports to enforce the embargo. We are to undertake to make the canal at New Orleans, cost it what it will.

February 1, 1809.—Present all. On the execution of the act for employing an additional naval force. Agreed. 1. To raise men to man the 30 gunboats to

proceed to New Orleans. 2. As many as will man 30 more to be sent to different ports to support the embargo. 3. To man the small vessels below the size of a frigate. 4. To man the Constitution. By the time these are raised we shall know whether the embargo, war, or what else is to be the state of things. The Chesapeake is to proceed instantly to Boston.

February 25.—Present, Secretary of State, Treasury, Navy, Attorney General. What orders shall be given as to English and Spanish ships attempting to pass New Orleans for Baton Rouge? Answer.—English ships have been hitherto prohibited, that being the highest port of entry. Spanish ships have been permitted to go up, except when having slaves on board.

Let things continue so till Congress rises, when their proceedings will decide what should be done.

Agreed that orders shall be given to the military to remove squatters from the lands of the Chickasaws, Cherokees, and Chocktaws, except Doublehead's reserve and Wafford's settlement.



APPENDIX.

FIRST INAUGURAL ADDRESS

OF

THOMAS JEFFERSON

Delivered at Washington, D. C., March 4, 1801.

Friends and Fellow Citizens—

Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye—when I contemplate these transcendent objects, and see the honor, the

happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before, the magnitude of the undertaking. Utterly, indeed, should I despair did not the presence of many whom I here see remind me that in the other high authorities provided by our constitution I shall find resources of wisdom, of virtue, and of zeal on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind the sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little

if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions.

During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some and less by others, and should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government can not be strong, that this Government is not strong enough; but would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm on the theoretic and visionary fear that this Government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest Government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he then, be trusted with the government of others? Or have we found angels in

the forms of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence pursue our own Federal and Republican principles, our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradation of the others; possessing a chosen country, with room enough for our descendants to a thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter—with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens—a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our Government, and

consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of the public reason; freedom of religion; freedom of the press, and freedom of person under the protection of the habeas corpus, and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood

of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose preeminent services had entitled him to the first place in his country's love and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional, and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past, and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire

from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity.





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